

# Annual report

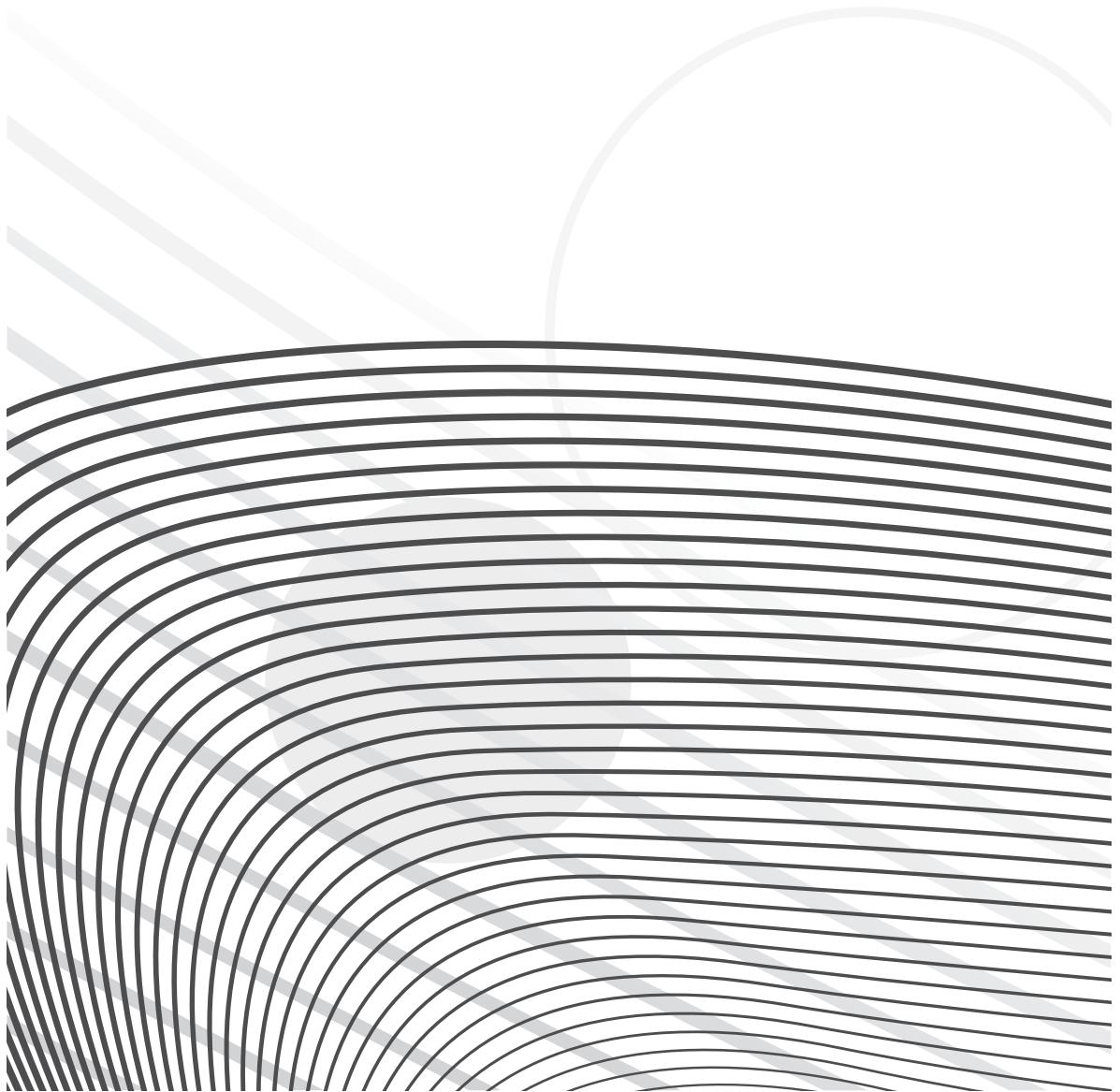
## 2012–13



communicating | facilitating | regulating

**Australian  
Communications  
and Media Authority**

**Annual report**  
2012–13



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**Chairman**

30 September 2013

The Hon. Malcolm Turnbull, MP  
Minister for Communications  
Parliament House  
Canberra ACT 2600

Dear Minister

In accordance with subsection 57(1) of the *Australian Communications and Media Authority Act 2005*, I am pleased to present the annual report on the operations of the Australian Communications and Media Authority (the ACMA) for the 2012–13 reporting year.

Please note that subsection 57(3) of that Act requires that you table the report in each House of Parliament within 15 days of receiving it.

In line with the *Commonwealth Fraud Control Guidelines 2011*, I certify that the ACMA has fraud risk assessments and fraud control plans in place including appropriate fraud prevention, detection, investigation, reporting and data collection procedures and processes that meet the specific needs of the agency. The ACMA has taken all reasonable measures to minimise the incidence of fraud in the agency, and to investigate and recover the proceeds of fraud against the agency.

Yours sincerely

Chris Chapman  
Chairman



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# **Chairman's foreword**



The reporting year certainly met my expectation that our broad remit would continue to deliver a diverse range of challenges. From spectrum to telecommunications compliance, we continued to work to ensure outcomes in the public interest and to deliver on the detail of our work plans.

Our role in realising the digital dividend was something of a standout for 2012–13. As expected, the innovative combinatorial clock auction process, for making spectrum previously required for analog television transmissions available for other purposes, ran smoothly and resulted in the allocation of spectrum to the companies that valued it the most. As I said when the auction closed with nearly \$2 billion raised, ensuring the availability of spectrum to meet rising demand for high-speed wireless broadband will position the Australian telecommunications industry to deliver fast, ubiquitous and symmetrical mobile broadband connectivity to consumers and industry. This is the culmination of a decade-long program of micro-economic reform, and will facilitate the continued growth of Australia's digital economy and networked society.

Our strategic spectrum work reached a new milestone in 2012–13 when we announced our proposed approach to meeting the very important future spectrum needs of Australia's public safety agencies. The cornerstone of this approach is to provide additional spectrum across three bands to make possible the deployment of high-speed, high-capacity, nationally interoperable mobile broadband networks for these agencies. This approach is a state-of-the-art public safety spectrum solution that will facilitate voice, data and video communications for Australia's public safety agencies long into the future.

There was considerable commentary on our decision. However, our spectrum team took a careful, evidence-based approach to spectrum dimensioning, enabling a capable multi-level topology network approach to meet the future needs of PSAs. As a result, we have been fielding queries from many of our international counterparts seeking our insights and access to our evidence base.

Inevitably, following the switch to digital television, there have been consequences for those who have been operating in the digital dividend spectrum. For some time now, we have brought together our consultation and negotiation skills to help one particularly affected group—wireless microphone users and suppliers across the entertainment, fitness, tourism, community and education sectors—move to another part of the spectrum by the end of 2014. This work continued during the year through targeted education and outreach activities to make as many as possible of these users and suppliers aware of the changes and what they need to do to prepare—activities that went beyond what would usually be undertaken for class licensees affected by regulatory changes.

The year brought its share of profiled broadcasting investigations, not the least of which concerned the broadcast of a prank call to King Edward VII's Hospital, followed by the death of a London nurse. It should be remembered that in this, as in all cases, our sole formal regulatory relationship is with the licensee and not the presenters of any broadcast in question.

We proceeded in a measured way to exercise our discretionary powers under the *Broadcasting Services Act 1992* (BSA) and commenced an 'own motion' investigation. In response to our preliminary findings, the licensee applied to the Federal Court for orders restraining the ACMA from continuing the investigation and making any finding that the licensee breached a condition of its licence. We are contesting that application.

In the circumstances, it was timely that we launched our *Contemporary community safeguards inquiry* to take a 'first principles' look at the framework of regulation around what people see and hear on television and radio, and whether the protections the community expects are being maintained in line with rapid changes in society. Our groundbreaking *Citizen conversations* events held as part of this inquiry gave individuals, as well as interested organisations, the chance to have their views heard. The inquiry's goal is to articulate core principles that should guide the development, by the several sectors of the broadcasting industry, of their own codes around content.

In the first part of 2012–13, we agreed to register the new Telecommunications Consumer Protections (TCP) Code, giving consumers more effective and timely protection on issues such as 'bill shock', confusing mobile plans, and poor complaints-handling and customer service. We challenged the industry to perform and promised to closely monitor that performance through audits and investigations. Consistent with this approach, the first direction to comply with the privacy clause in the new code came just a month after registration. Otherwise, the remainder of the year suggested that industry actually did step up and, in most cases, deliver on the code.

Another step in telco consumer protection came when the ACMA made a new standard requiring mobile service providers to offer a range of consumer protection features to help overseas travellers manage their mobile usage. These include SMS alerts, spend management tools and opt-out arrangements. Travellers are now better equipped than ever before to avoid the all-too-common bill shock.

In the second half of 2012, we announced a comprehensive set of changes establishing future directions for Australia's telephone numbers. Our vision is for numbering management to be flexible and readily accommodate new technologies, uses and entrants as they emerge in the rapidly changing communications marketplace.

Our research continued to reveal just how large the Australian digital footprint is becoming, driven by mobile and internet services. The annual *Communications report* showed Australians are increasingly connected, adopting whichever devices best meet their needs. At 30 June 2012, nearly half the Australian population owned a mobile phone that connected to the internet—double the number in the previous year.

The three complementary reports in our *Communications report* series also showed just how rapidly the communications world is changing for Australians as we shift the way we consume media and communicate in the digital age. With the arrival of new 4G services, the promise is that smartphone and tablet functionality will only be further enhanced.

Australians downloaded more data than ever before and there are 30.2 million mobile services in use across the country—four for every three people. Mobile and internet services are driving growth in the digital economy and consumers are getting increasingly connected using whichever device they think best suits their needs.

As Australians have become increasingly connected, they have also fallen in love with GPS and mobile location maps. But this has its downside. Many using location services are not aware how their information and personal data may be shared, used, stored and controlled. Our message is that users need to manage the risk and empower themselves—there are effective steps they can take to protect themselves and their information.

The ACMA continues to operate in the context of unprecedented and fundamental internet-driven change. We are doing so consistent with our corporate tagline, which sums up our intent to communicate, facilitate and then regulate.

But it seems unlikely that any new agreed order or commercial equilibrium in media and communications will emerge any time soon. Within our complex networked economy and society, there is a broadening challenge for the regulator. The traditional regulator's role has been to mitigate risks or harms as citizens manage their communications and media experience, by imposing obligations or providing assistance. We see that in the evolving digital economy and networked society, new risks, harms and innovations are likely to require the regulator to respond with increasing flexibility.

We also see the strategic need for the development of a single coherent regulatory framework in Australia for media and communications. Our analysis, set out in numerous papers released over the last two years, points to the logic of bringing together all the various elements of media and communications under the umbrella of a single regulatory agency that can deliver timely, 'fit-for-purpose' outcomes—a body with a broad remit, empowered with a scalable set of powers and a culture that allows it to operate flexibly in a range of modes and pervasive relationships. The ACMA stands ready to meet that challenge.

Finally, I never cease to be impressed by the resilience of ACMA staff and their ability to get the job done in the face of seemingly endless and sometimes overwhelming challenges presented by the environment in which we strive to make a difference. I proudly present this report of their work over the financial year just concluded.



Chris Chapman  
Chairman

# Highlights



The following are some particular highlights of 2012–13 for the ACMA.

## Digital dividend spectrum auction

On 23 April 2013, the ACMA commenced an auction to reallocate spectrum in the 700 MHz—the digital dividend—and 2.5 GHz bands using the combinatorial clock auction methodology. This spectrum is ideal for delivering advanced mobile telecommunication services, such as wireless 4G services.

The auction ran smoothly and concluded on 7 May 2013. All three bidders—Telstra, Optus and TPG Internet—secured spectrum in the auction, resulting in total revenues of nearly \$2 billion for the federal government.

The ACMA expects consumers to benefit from the substantial increase in spectrum holdings by the three telecommunications companies, and is optimistic that their investment in rolling out 4G services will further transform the way Australians communicate and do business.

In conducting the auction, the ACMA ensured that the spectrum was allocated efficiently to maximise the overall public benefit in accordance with the objectives of the *Radiocommunications Act 1992*. The auction was the culmination of almost three years of constructive engagement with industry stakeholders and is another important step towards realising Australia's digital dividend.

## Restack for the digital dividend

The auction of the 700 MHz spectrum would not have been possible without first putting in place arrangements for that spectrum to be cleared of incumbent services. In early 2013, the ACMA completed a three-year process to replan all digital television channel allotments, which will see approximately 1,300 services covering 370 geographic areas moved to different channels by 2015.

This process, referred to as the 'restack', will result in all digital television services covering a particular area operating in a defined block of six contiguous channels in a single frequency band. This 'block' planning approach will have long-term benefits for viewers by making it simpler to receive all services. The new digital television channel allotments are specified in legal instruments called television licence area plans.

The implementation of the restack process is being managed by the Department of Broadband, Communications and the Digital Economy (DBCDE) through a contract with Broadcast Australia to undertake the role as the Program Implementation Manager.

The ACMA also varied the Radiocommunications (Low Interference Potential Devices) Class Licence 2000 in April 2013 to support the transition of wireless microphones from the 700 MHz digital dividend spectrum.

## ***Contemporary community safeguards inquiry***

In the first half of 2013, the ACMA commenced the *Contemporary community safeguards inquiry* (CCS inquiry)—an in-depth consideration of the core principles that should guide contemporary broadcasting codes of practice. The CCS inquiry is timely, given the significant changes in the media landscape over the last 20 years.

The inquiry is seeking to:

- > identify the core matters or concepts that are of enduring relevance and significance to contemporary broadcasting audiences and markets, notwithstanding the pressures of convergence
- > consider the fundamental justification for future codes-based regulatory intervention for those enduring matters or concepts
- > explore how these matters may be most appropriately addressed by broadcasting codes in a converged media and communications framework, where code-based regulation continues to be justified.



As part of the CCS inquiry, the ACMA held a series of Citizen conversations on a range of broadcasting topics.

Adopting an open and consultative approach, the ACMA is asking for citizen and industry views, and will draw on this information to issue guidance on how these matters may best be addressed in contemporary codes of practice.

As part of the inquiry, the ACMA held a series of *Citizen conversations*, with themes of classification, decency, accuracy, fairness, advertising and privacy. An industry workshop was also held for broadcasters on handling complaints under the codes of practice. Each forum featured contributions from subject matter experts, academics, practitioners and other industry stakeholders. The ACMA also conducted targeted community and economic research.

The CCS inquiry is expected to conclude in the next reporting period.

## Broadcasting investigations

The ACMA received 2,178 written complaints and enquiries about commercial, national and community broadcasters in 2012–13, and investigated licensees' compliance with codes of practice, licence conditions, standards and the BSA. In addition, there were another 2,680 specific complaints and enquiries about 2DAY's *Summer 30* program on 4 December 2012, which broadcast a prank call to King Edward VII's Hospital in London.

On 13 December 2012, the ACMA exercised its discretionary powers under section 170 of the BSA to commence a formal 'own motion' investigation into the broadcast. The focus of the investigation was on the compliance of the licensee, Today FM Sydney Pty Ltd, with its licence conditions and the Commercial Radio Australia Codes of Practice 2011.

In response to the ACMA's preliminary findings, the licensee applied to the Federal Court on 18 June 2013 for orders restraining the ACMA from continuing the investigation and making a finding that it breached clause 8(1)(g) of Schedule 2 to the BSA by broadcasting, in contravention of section 11(1) of the *Surveillance Devices Act 2007 (NSW)*, a recording of the telephone call. The ACMA anticipates finalising its investigation when this court action is concluded.

Other investigations also attracted public interest and comment.

Channel Nine South Australia Pty Ltd breached the privacy provisions of the Commercial Television Industry Code of Practice 2010 by identifying a family involved in a home birth. It was the first television broadcast to breach the privacy provisions of the code since the publication of the new privacy guidelines in December 2011.

While it was not the focus of the news story, Nine broadcast sensitive personal information about a newborn baby. The broadcast also contained identifying and intrusive footage of the complainant and family inside their home and surrounds. In this case, footage in and around the complainant's home was found to be an invasion of privacy. The ACMA also found that Nine failed the additional code obligation to exercise special care before using sensitive personal information about a child.

Nine agreed to a tailored training program for relevant staff and also made a statement on its website providing a link to the ACMA's investigation report.

The ACMA found that Festival City Broadcasters Pty Ltd (5AA) breached provisions of the Commercial Radio Australia Codes of Practice 2011 on decency and complaints-handling on two separate occasions in June 2012.

The investigation arose from comments Bob Francis made about asylum seekers and disparaging language he used about a female journalist, whom he identified by name and job title.

The ACMA considered that Mr Francis's comments about asylum seekers conveyed a disregard for the numerous fatalities that have occurred at sea and that the cumulative effect of his comments about the female journalist offended standards of decency.

5AA suspended Mr Francis for six days in the wake of his comments. He also received additional training on the decency provisions of the code.

Following its breach finding, the ACMA recommended that, in addition to these remedial actions, an on-air apology be made to the journalist attacked as the appropriate measure in this matter, which Mr Francis gave.

A further investigation involved Harbour Radio Pty Ltd (2GB's *The Alan Jones Breakfast Show* on 31 August 2012). During a discussion with Senator Barnaby Joyce about whether women having greater representation in politics is a good thing or not, Alan Jones commented that 'Women are destroying the joint!'

The ACMA's investigation concluded that the comment did not breach clause 1.9.6 of the Commercial Radio Australia Codes of Practice 2011 as it did not incite 'severe' ridicule on the grounds of gender. The ACMA considered the brevity of the comments and the context of the comments—a discussion that otherwise focused on the government's expenditure priorities.

However, the ACMA found a breach of the complaints-handling obligation, as the licensee did not respond to the complainant within the time prescribed by clause 5.5 of the code.

## Telecommunications Consumer Protections Code

The ACMA registered the landmark new Telecommunications Consumer Protections (TCP) Code on 1 September 2012. As this code was the industry's response to the ACMA's *Reconnecting the Customer* inquiry and its findings, the ACMA invested significant resources during the reporting year to promote a compliant environment.

The ACMA's approach to compliance has been proactive, involving a graduated mix of education, environmental scanning, audits and investigations.

Early compliance priorities, which followed the staged implementation of the TCP Code, focused on providers' advertising practices, their complaints-handling and financial hardship policies, and the implementation of critical information summaries. The ACMA held 41 information sessions with industry participants, mainly those who were not members of Communications Alliance, and made 332 preliminary enquiries into compliance by service providers. At 30 June 2013, nine investigations into possible TCP Code breaches were ongoing, and seven formal warnings and three directions had been issued under the new code.

While the ACMA has yet to undertake a detailed structured assessment of the new regulatory arrangements (which had not come fully into force by 30 June 2013), early indications are that the new compliance approach has been broadly successful. Non-compliance has generally been minor and quickly rectified once identified.

## 400 MHz band implementation

The ACMA continued to work with industry and government to implement new arrangements for the 400 MHz band during 2012–13. The new band arrangements should deliver harmonised spectrum for use by government agencies and, in the longer term, enhance the interoperability of state and federal emergency services.

The ACMA intends to finalise transition to the new arrangements by 31 December 2015 in areas where congestion is defined, and by 31 December 2018 outside these areas. This long lead time allows users to build the new requirements into their capital replacement programs and make the necessary adjustment to their networks.

The ACMA acknowledges that transitioning to the new arrangements remains challenging for many users and continues to work closely with licensees and accredited persons to support transition arrangements.

## Expiring spectrum licences

In 2012–13, the ACMA offered reissue of spectrum licences that were due to expire in June 2013 to the incumbent licensees in the 800 MHz and 1800 MHz bands. These licences, held by Telstra, Optus, Vodafone and various state rail entities, were used for the provision of mobile voice and data communication services.

All offers of reissue were accepted by the licensees, except for one licence held in the Adelaide area by the South Australian Department of Planning, Transport and Infrastructure. Licence revenues collected for the reissue of these licences were approximately \$1.48 billion.

## International mobile roaming standard

In June 2013, the ACMA made a standard on international mobile roaming (IMR) in response to a direction from the minister, with the first measures to take effect from 27 September 2013. The IMR Standard requires providers to give consumers information about the cost of roaming when overseas and enable them to opt out of roaming services, in order to help minimise the risk and incidence of bill shock. The IMR Standard also requires providers to offer their customers spend management tools to help them manage expenditure while travelling.

The standard builds on the principles of transparency and timely information provision underpinning the TCP Code. In developing the standard, the ACMA held workshops, released a discussion paper and undertook two rounds of public comment and targeted consultation with stakeholders.



An ACMA infographic highlighted tips for avoiding holiday bill shock.

## Online content complaints

During 2012–13, the ACMA Hotline for complaints about offensive and illegal online content received a total of 4,633 complaints—an eight per cent decrease on the 5,026 complaints made in 2011–12. It also finalised investigations into 3,793 items of online content.

The number of child sexual abuse items investigated by the ACMA in 2012–13 rose to 1,177—a five per cent increase on 2011–12. The number of complex investigations into peer-to-peer (P2P) content also rose to 83—an increase of 493 per cent on the previous year.

The prevalence of internet-connected devices in Australian homes and a greater awareness of how to report suspected prohibited content are among the likely reasons for the sustained high number of complaints received by the ACMA and the resulting investigations.

**acma**

## Unsolicited communications

More than one million numbers were added to the Do Not Call Register in 2012–13. On 30 June 2013, a total of more than 8.7 million numbers were listed on the register.

In 2012–13, telemarketers and fax marketers with access accounts submitted their call lists for checking against the register, which resulted in over 1.2 billion numbers being checked.

The ACMA received nearly half a million direct complaints and reports in 2012–13 from members of the public about unsolicited communications—unsolicited telemarketing calls, fax marketing calls and commercial electronic messages (or spam) including:

- > 412,743 complaints, reports and enquiries
- > 19,677 telemarketing complaints.

Complaints about telemarketing fell slightly by 11 per cent from 2011–12, due in part to the successful joint action by international regulators, including the ACMA, to disrupt the activities of the ‘Microsoft imposter’ scammers. Complaints to the ACMA about these scam calls dropped from 5,242 in 2011–12 to 2,757 in 2012–13.

In response to complaints and reports, the ACMA contacted 8,162 businesses identified as potentially in breach of obligations set out in the Do Not Call Register Act, Spam Act or related industry standards in 2012–13 and, as appropriate:

- > advised them of their obligations and the potential consequences of non-compliance
- > provided an informal warning.

Businesses contacted by the ACMA were referred to two blogs—*Successful e-marketing ... it's about reputation* and *Better telemarketing... take the right line*. These blogs were part of an education strategy directed at e-marketers and telemarketers to encourage them to adopt best practice. Blog posts covered topics such as obtaining consent, checking call lists against the register and providing an unsubscribe function for e-marketing.

During the reporting period, the ACMA finalised 21 formal investigations into potential contraventions of the Do Not Call Register and Spam Acts resulting in:

- > eight formal warnings
- > six infringement notices
- > the acceptance of three enforceable undertakings, designed to promote ongoing compliance with the Spam and Do Not Call Register Acts.

In August 2012, the ACMA commenced proceedings in the Federal Court against JER Pty Ltd for a breach of an enforceable undertaking. In November 2012, the Federal Court ordered JER Pty Ltd to comply with the enforceable undertaking it gave to the ACMA in 2011.

## Consolidated compliance mark

The ACMA's new equipment labelling arrangements commenced on 1 March 2013. The new arrangements consolidate the three existing compliance marks into a single regulatory compliance mark—the RCM—covering telecommunications, radiocommunications, electromagnetic compatibility and electromagnetic energy.

The RCM, which also indicates compliance with electrical equipment safety requirements under Australian state and territory legislation, will deliver long-term industry efficiency benefits by reducing the complexity of regulatory arrangements and the time required by industry to comprehend and abide by those arrangements. Less complex labelling arrangements also increase the likelihood of compliance and improve regulatory outcomes for industry and consumers.

## Cybersecurity

The ACMA operates the Australian Internet Security Initiative (the AISI) to target the cybersecurity threat posed by 'botnets'—networks of computers that have become compromised through the surreptitious installation of malicious software (malware). This malware enables the computer to be controlled remotely for illegal and harmful activities including:

- > disseminating spam
- > hosting of 'phishing' sites
- > performing distributed denial of service attacks on internet infrastructure.

During 2012–13, the ACMA reported an average of 16,034 instances of malware each day to participants—mostly internet service providers (ISPs)—in the AISI. These reports enabled ISPs to notify customers whose computers were infected with malware.

The ACMA also collaborated with other government agencies and overseas partners to bring attention to the expected loss of access to the internet from computers infected with the 'DNSChanger' strain of malware. It is believed that these actions assisted several thousand Australian internet users whose computers were infected.

## Cybersafety

Through its Cybersmart program, the ACMA continues to target young people, parents, teachers and libraries with up-to-date practical advice and education on cybersafety issues.

This year saw the delivery of a number of new resources and a significant update to many existing programs:

- > The Cybersmart website underwent a content review and visual redesign. The new-look site features a contemporary design, updated content and enhanced interactivity. A mobile version of the site was also released. The site continues to offer young people, parents, teachers and libraries an access portal to cybersafety information and education resources.
- > The Cybersmart Outreach program continued to develop and deploy internet safety presentations and teacher professional development resources throughout the year, as well as produce cybersafety education programs and information material for schools, parents and libraries. The program delivered 1,193 presentations to more than 211,000 teachers, parents and students with some 5,700 trainee teachers participating in the Outreach pre-service teacher program being delivered across Australian universities.

Other key cybersafety resources released during the year included:

- > Zippep's Astro Circus—a series of online games that reinforce the concept of positive online behaviour for children aged four to seven. The activity was also released as an application on the iTunes and Android app stores.
- > A new Facebook cybersafety campaign for teens called 'The Cloud'.

Cybersmart also moved to expand its presence on other social media platforms, with regular content releases via Twitter and the Cybersmart blog.



*The Cloud: Dream On explores cybersafety issues in a humorous way.*

## Communications and engagement

The ACMA launched its new website in 2012–13. As a leader in the Australian Gov 2.0 movement, the ACMA applied these learnings across the website to foster genuine ongoing engagement with stakeholders. The site delivers content and services to citizens and industry on any device at any time, using a variety of formats from blogs, tweets and infographics to video, webcasts, webinars and other rich media presentations.

Using this new platform, the ACMA significantly lifted the sophistication of its engagement during the reporting period. A large program of public events included the annual *RadComms* conference and spectrum tune-ups, *Citizen conversations* in the content sector, and a wide variety of public consultations with consumer and industry groups.

The ACMA enthusiastically embraced the use of social media to engage with users and share content in a wide variety of portals including Facebook, Youtube, LinkedIn and any third-party site wishing to subscribe to the many feeds on the new site.



The new ACMA website caters to the diverse needs of its many stakeholders.

## Research and reporting

ACMA research completed in 2012–13 covered a range of topics, including:

- > understanding why Australian telecommunications customers experience difficulty paying their bills
- > exploring community behaviour and attitudes to unsolicited communications via telemarketing, spam and social media
- > investigating attitudes to gambling advertising in sports programs
- > seeking the perspective of AISI participants on the program's operation.

Research on consumer issues arising from the increasing use of location services was also completed, incorporating exploratory community research into concerns about personal information and risk management when using these services.

New research was commissioned to understand the impact on consumers of changes to the TCP Code, following the ACMA's *Reconnecting the Customer* public inquiry. Another study looked at how adult Australians manage their online identity and what—if any—information or services may help them to manage personal information in the increasingly online world. To help inform the ACMA's *Contemporary community safeguards inquiry*, research was also commissioned into Australians' attitudes to and expectations of community safeguards in broadcast codes of practice.

The ACMA continued to examine emerging communications and media issues, and their impact on regulation, in four papers that looked at mobile applications, near-field communications, cloud services, and privacy and digital data. Research also examined how regulatory practice can be updated and adapted to deal with the 21<sup>st</sup> century challenges of a networked economy and society.

# Chapter 1

## About the ACMA



Chapter 1 details the functions, structure and corporate governance that enable the ACMA to perform its role, administer regulations and legislation, and deliver its services.

## Functions and responsibilities

For the reporting period, the Australian Communications and Media Authority (the ACMA) was a statutory authority within the federal government portfolio of Broadband, Communications and the Digital Economy. Senator the Hon. Stephen Conroy was the minister responsible for the portfolio. The ACMA is responsible for the regulation of broadcasting, the internet, radiocommunications and telecommunications.

In accordance with the relevant legislation, the ACMA's specific responsibilities include:

- > regulating telecommunications and broadcasting services, internet content and datacasting services
- > managing access to radiofrequency spectrum bands through radiocommunications licence arrangements, and resolving competing demands for that spectrum through price-based allocation methods
- > planning the availability of segments of radiofrequency spectrum bands used by broadcasting services, and managing access to that spectrum through broadcasting licence arrangements
- > regulating compliance with the relevant legislation, licence conditions, codes of practice, standards, service guarantees and other safeguards
- > promoting and facilitating industry self-regulatory and co-regulatory solutions to emerging issues
- > where necessary, exercising powers to create legislative and other instruments, often in the form of standards or service provider rules
- > facilitating the provision of community information to promote informed decisions about communications products and services
- > reporting on matters relating to the communications industry, including its performance
- > representing Australia's communications interests internationally
- > advising the government on specific matters from time to time.

### The Authority

At 30 June 2013, the Authority comprised the Chairman, the Deputy Chair, one full-time Member, three part-time Members and one Associate Member (see Table 1).

#### About the Authority



##### **Chairman and Chief Executive Officer—Chris Chapman**

*Appointed 27 February 2006 for five years*

*Reappointed 14 October 2010 for five years*

*Reappointed 28 March 2013 until 26 February 2016*

Chris Chapman commenced as the inaugural Chairman and CEO of the ACMA in February 2006. He was also appointed an Associate Member of the Australian Competition and Consumer Commission (ACCC) in September 2007.

Mr Chapman has had an extensive career including leadership roles in the media; broadcasting and film; internet, telecommunications and internet business; and the sports and infrastructure sectors. Before joining the ACMA, Mr Chapman held a number of senior management positions with Babcock & Brown, Optus, Stadium Australia Management and the Seven Network. Mr Chapman has also been the Chairman of Film Australia and SportsVision Australia, and a previous member of the National Film and Sound Archive's Advisory Council.

Mr Chapman has a Bachelor of Laws and a Bachelor of Commerce from the University of New South Wales, and has completed the Harvard Business School Advanced Management Program (AMP).



##### **Deputy Chair—Richard Bean**

*Appointed 14 October 2010 for five years*

During his career, Richard Bean has worked in a variety of senior roles in Australia's media and communications industries. Before joining the ACMA he oversaw the legal and regulatory affairs and human resources functions at Unwired, the wireless broadband infrastructure owner and ISP.

He had previously held positions responsible for the legal and business affairs side of Network Ten's programming activities, and practised as a commercial, media and litigation lawyer at national commercial law firm Blake Dawson. Prior to that, Mr Bean worked in program administration and policy development in a number of Australian Government organisations.

Mr Bean holds an honours degree in Literature and Philosophy from the University of Sydney and a law degree from the University of New South Wales.

**Full-time Member—Chris Cheah**

*Appointed 1 July 2005 for four years  
Reappointed 1 July 2009 for five years*

Chris Cheah was previously head of the Telecommunications Division of the then Department of Communications, Information Technology and the Arts (now DBCDE), advising the government on telecommunications issues. He has also managed accessibility funding programs and held positions with Austel and Telstra.

**Part-time Member—Emeritus Professor Reg Coutts**

*Appointed 14 October 2010 for five years*

Reg Coutts has over 30 years experience in the Australian telecommunications industry, including 18 years at Telstra, moving through the research laboratories to become the director of strategy in the early mobile communications business.

Professor Coutts moved to academia in 1993 as the inaugural Professor of Telecommunications at the University of Adelaide where his multidisciplinary team worked with industry both in Australia and overseas during the first wave of spectrum management reform. Currently, Mr Coutts consults to business and government, and chairs a new technology venture company.

Professor Coutts was educated as an engineer and is a graduate of the Australian Institute of Company Directors (AICD). He is actively involved in developing the ICT profession and is a Director of the Telecommunications Board of the Australian Computer Society (formerly known as the Telecommunications Society of Australia).

**Part-time Member—Louise Benjamin**

*Appointed 14 October 2010 for five years*

Louise Benjamin has extensive experience in media and telecommunications, from both a regulatory and executive perspective. Prior to joining the ACMA, Miss Benjamin held senior strategy positions with News Ltd and Foxtel. She was a competition law partner at Allens Arthur Robinson from 1995 to 2004 and the national Chair of the Law Council of Australia's Trade Practices Committee, which plays a significant role in competition law policy. She has also served as Deputy Chair of the Australian Publishers' Bureau.

Miss Benjamin holds a Bachelor of Arts, Bachelor of Laws and Master of Laws from the University of Sydney.

**Part-time Member—Hugh Marks***Appointed 14 October 2010 for five years**Resigned with effect from 5 February 2013*

Hugh Marks has held a number of senior management positions in the television broadcasting and content production industries through his roles with the Nine Network and most recently as CEO of production and distribution business Southern Star.

In addition to his responsibilities with the ACMA, Mr Marks currently runs his own media production and advisory business, specialising in content production, financing and management. In this capacity, he works with a number of businesses that operate generally in the content industries and has board memberships with a couple of small independent content producers.

**Associate Member—Rod Sims***Appointed 1 August 2011 for five years*

Rod Sims was appointed Chairman of the Australian Competition and Consumer Commission (ACCC) in August 2011 for a five-year term.

Mr Sims has extensive business and public sector experience as Chairman of the Independent Pricing and Regulatory Tribunal of New South Wales, Chairman of InfraCo Asia, Commissioner on the National Competition Council, Director of Ingeus Limited, and member of the Research and Policy Council of the Committee for Economic Development of Australia. Mr Sims was also a Director of Port Jackson's Partners Limited where he advised the CEOs and boards of some of Australia's top 50 companies on commercial corporate strategy over many years.

**Table 1: The Authority membership, 30 June 2013**

Role	Name	Appointment date
Chairman and Chief Executive Officer	Chris Chapman	27 February 2006 for five years Reappointed 14 October 2010 for five years Reappointed 28 March 2013 until 26 February 2016
Deputy Chair	Richard Bean	14 October 2010 for five years
Full-time Member	Chris Cheah	1 July 2005 for four years Reappointed 1 July 2009 for five years
Part-time Member	Reg Coutts	14 October 2010 for five years
Part-time Member	Louise Benjamin	14 October 2010 for five years
Part-time Member	Hugh Marks	14 October 2010 for five years Resigned with effect from 5 February 2013
Associate Member	Rod Sims	1 August 2011 for five years

## **Corporate structure**

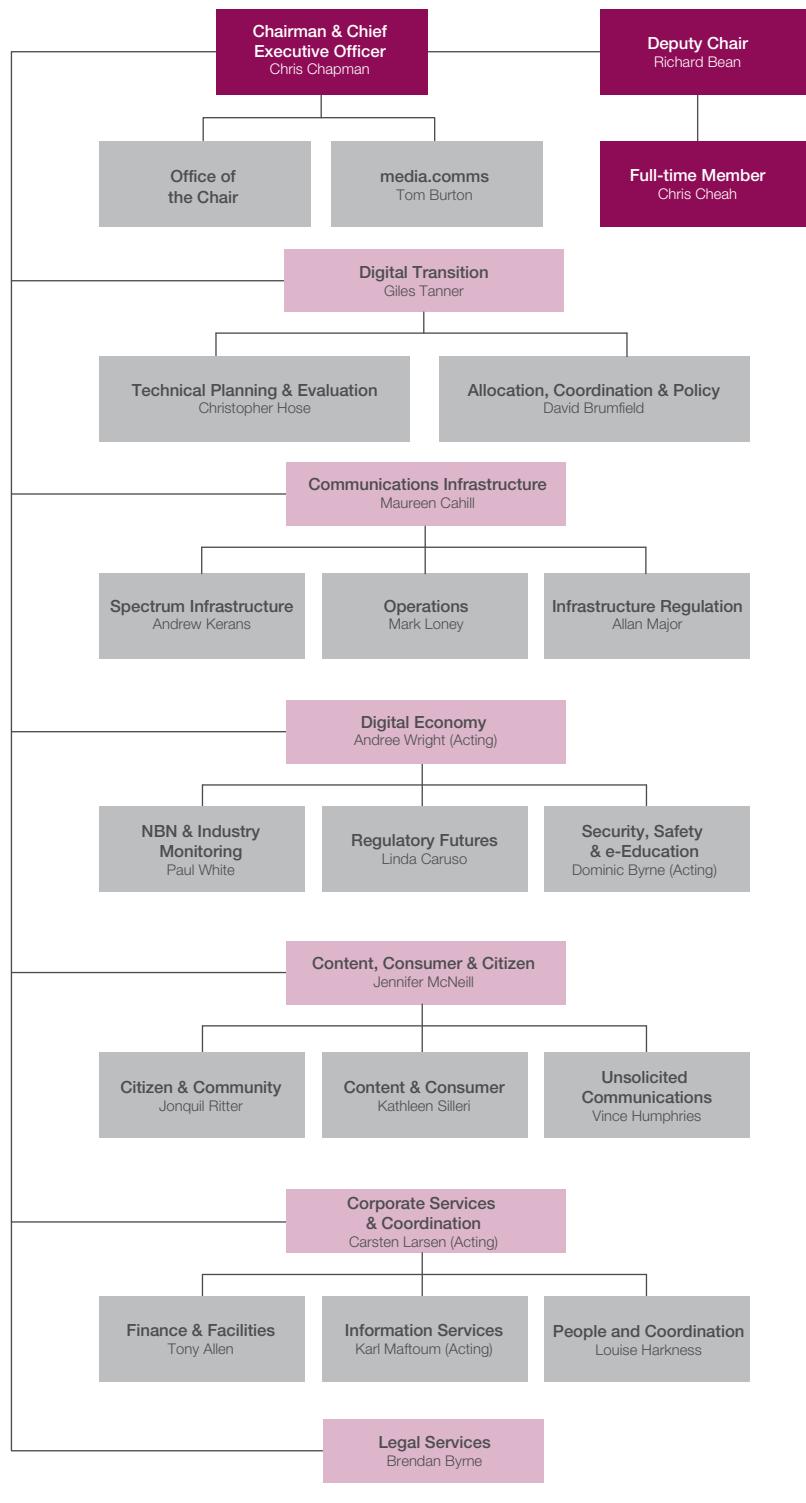
The ACMA's day-to-day activities are managed by an executive team comprising the Chairman, the Deputy Chair, the full-time Member, six general managers and 16 executive managers.

The ACMA's corporate structure at 30 June 2013 is set out in Figure 1.

At 30 June 2013, the ACMA employed 598 staff under the *Public Service Act 1999*, most of whom are located in the ACMA's offices in Canberra, Melbourne and Sydney. The ACMA also has field offices in Brisbane and Hobart.

The ACMA will continue to provide service within acceptable time frames to all areas of Australia by utilising field staff from the ACMA's Melbourne, Sydney, Canberra, Brisbane and Hobart offices. Contact details for offices are provided in Appendix 1. Detailed information about the ACMA's staff is provided in Appendix 3.

Figure 1: Corporate structure of the ACMA as at 30 June 2013



## Revenue collection

The ACMA collects revenue on behalf of the Australian Government through broadcasting, radiocommunications and telecommunications taxes, charges and licence fees. It also administers non-regular revenue from spectrum auctions.

In 2012–13, the ACMA administered \$2,022.046 million of revenue (2011–12: \$646.375 million) and \$145.512 million of expense (2011–12: \$161.940 million) on behalf of the government (see Figure 2).

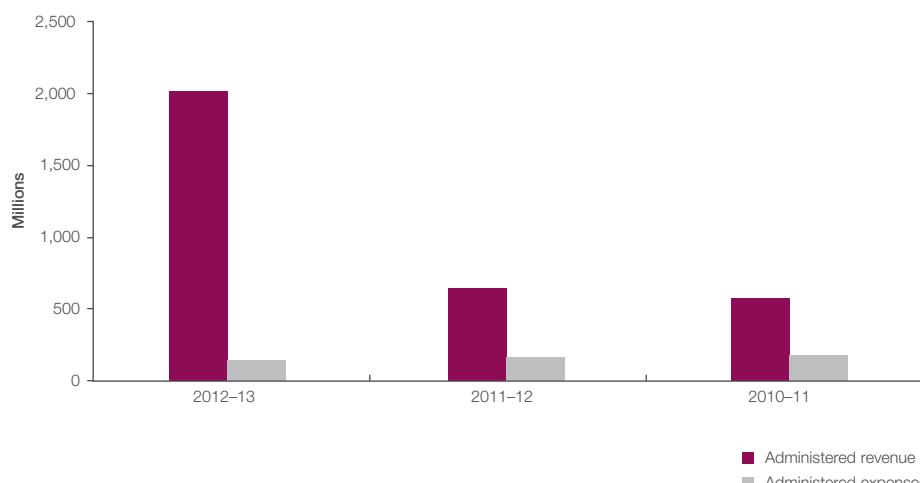
## Governance

The ACMA's regulatory functions and responsibilities are set out in Part 2, Division 2 of the *Australian Communications and Media Authority Act 2005* (the ACMA Act). In addition, the ACMA is also regulated by the *Financial Management and Accountability Act 1997* (the FMA Act), where responsibility for governance and management of the ACMA resides with the Chairman as the Chief Executive Officer. The ACMA Chairman is also the head of the ACMA for the purposes of the Public Service Act and has the rights, duties and powers of an employer for Australian Public Service employees in the ACMA.

The ACMA Audit Committee provides independent advice to the Chairman on the ACMA's risk, control and compliance framework, as well as its external accountability responsibilities. The committee also provides a forum for communication between senior management and the internal auditor (Protiviti) and the external auditor (Australian National Audit Office). During 2012–13, the Audit Committee continued to look at key corporate processes. Its work included a number of performance audits on a range of line area functions.

The ACMA also has a number of other high-level committees overseeing finance, compliance and enforcement, human resources and information technology.

Figure 2: Revenues and expenses administered on behalf of government



Throughout 2012–13, the ACMA's Executive Group assisted the Chairman in his role as the Chief Executive Officer of the ACMA by providing assistance on issues of high-level corporate or strategic significance to the ACMA's authority. The Executive Group comprised the Chairman, Deputy Chairman, full-time Member and six general managers. Additional information about corporate governance—audit, security and risk management—is detailed in Chapter 4.

## Strategic and business planning

### Strategic planning

In 2012–13, the ACMA's strategic planning activities focused on delivering the agency's:

- > strategic directions to help with business planning, budgeting and performance management
- > Portfolio Budget Statements
- > corporate plan
- > annual operating plan.

This approach enabled the ACMA to work to commonly understood and agreed strategic priorities that are directed towards delivering its Outcomes and Programs set out in the Portfolio Budget Statements.

### Corporate plan

The ACMA corporate plan is a high-level document that the agency must prepare and submit to the minister each year under section 56 of the ACMA Act. The plan covers a three-year period and identifies the ACMA's objectives and priorities, as well as the necessary strategies and policies to achieve them. In 2012–13, the ACMA undertook a major review of its strategic priorities and began to develop a new integrated planning and reporting framework. This should be in place in 2013–14 to help set the agency's strategic direction, articulate its overall strategic objectives and measure progress.

The current corporate plan covers 2012–15 and is available on the ACMA website.

### **Operating plan**

The ACMA's annual operating plan is an externally focused document that identifies the key strategic activities the ACMA will focus on over the course of the planning year. It sets out detail about the work program that ACMA is continuing to undertake to further these strategic activities.

The 2012–13 operating plan has been developed in line with the agency's annual budget cycle and is available on the ACMA website.

### **Business planning**

Through its annual business planning process, the ACMA plans activities for the coming year at a section, branch and divisional level, ensuring that these activities:

- > contribute to the ACMA's outcomes and programs as set out in the Portfolio Budget Statements
- > align with the agency's strategic directions derived from the strategic planning process and set out in the corporate plan
- > contribute to the achievement of the ACMA's objectives at section, branch, divisional and organisational levels.

Business planning also provides the basis for internal budgeting decisions at section, branch, divisional and agency levels.

There is regular whole-of-agency performance reporting to the Chairman against the agency's key activities.

### **ACMA transformation program**

As part of its commitment to pursue converged regulator excellence in a diverse and complex media and communications landscape, the ACMA is seeking to continually reinvent itself so that it remains relevant to its stakeholders, and resilient and responsive to the numerous pressures for change it confronts.

This reinvention or *transformation* is enabled by the agency's leadership team, which meets on an annual basis at its Transformational Leadership Forum (TLF) for discussion, information-sharing, networking and planning of key transformational initiatives for the agency.

A key output from the May 2012 TLF was the development of a transformational roadmap, which sets out the key change initiatives to be implemented by the agency's leadership team over the coming three years. The initiatives focus on enabling transformation of the agency into the 'ACMA of the future' and cover the following key areas:

- > organisation and people
- > technology and infrastructure
- > stakeholder engagement
- > funding and allocation
- > governance and control.

Progress against the transformational roadmap is measured and reported within the agency during the year and the roadmap will be reviewed annually as part of the agency's strategic planning processes.

## Chapter 2

### Regulatory environment



Chapter 2 reflects the ACMA's key result areas related to:

- > Outcome 1: A communications and media environment that balances the needs of the industry and the Australian community through regulation, education and advice
- > Program 1.1: Communications regulation, planning and licensing.

The ACMA's responses to the performance information listed below for Program 1.1 can be found throughout the chapter.

### **Program 1.1: Communications regulation, planning and licensing**

#### **Program 1.1 Key performance indicators**

- > An effective regulatory environment that supports a dynamic communications sector and enables industry to meet the communications needs of the community.
- > Efficient planning, allocation and use of national resources such as radiofrequency spectrum, communications numbering and infrastructure.
- > Industry contributes to, and complies with, the regulatory framework without being subject to undue financial or administrative burden.
- > Levels of industry compliance with the regulatory framework as assessed by breaches and recurrent breaches of legislation, codes, standards and licence conditions.
- > The cost of ACMA's regulatory activities is minimised to the extent possible.

#### **Program 1.1 Deliverables**

- > Government revenue targets met in the collection of annual numbering charges.
- > Applications for an opinion on control or temporary approval of a breach of the *Broadcasting Services Act 1992* dealt with within applicable timeframes.
- > Annual identification and publication of primary issues facing key radiocommunications services, and methods the ACMA proposes to use to manage these issues.
- > Greater marketplace contestability in frequency assignments.
- > Increased proportion of spectrum licensed through class and spectrum licensing.
- > The proportion of licensing and numbering transaction applications dealt with within applicable timeframes.
- > The proportion of online content, Do Not Call Register and broadcasting code complaints dealt with within applicable timeframes.
- > Price-based allocations of spectrum completed within statutory timeframes.
- > Evaluate digital transmission reception to assess whether digital television has the same coverage as current analog services.
- > Review community broadcasting licence allocation and renewal processes.

## Regulatory functions

As the regulator for broadcasting, the internet, radiocommunications and telecommunications, the ACMA's responsibilities include:

- > promoting self- and co-regulation and competition in the communications industry while protecting consumers and other users
- > fostering an environment in which electronic media respect community standards and respond to audience and user needs
- > managing access to the radiofrequency spectrum
- > representing Australia's communications interests internationally.

The ACMA's regulatory functions are set out in Part 2, Division 2 of the ACMA Act.

### The ACMA's response to emerging issues and regulatory pressures

Under the ACMA Act, one of the ACMA's functions is to inform itself and advise the Minister for Broadband, Communications and the Digital Economy about technological advances and service trends in the broadcasting, internet and datacasting industries.

Another of its functions is to report to and advise the minister about the telecommunications industry and matters affecting consumers of carriage services. The ACMA also monitors and reports to the minister on the operation of a number of Acts he or she administers, as specified in sections 8, 9 and 10 of the ACMA Act. The ACMA continues to monitor and research the rapidly changing communications and media environment to support these functions.

As the networked society and information economy continues to evolve, the ACMA straddles two dimensions:

- > administering existing legislative and regulatory arrangements—facilitating industry co- and self-regulatory solutions and using direct regulation where required
- > working with industry and consumers to develop solutions to emerging issues so that communications and media work for all Australians.

## Ownership and control

The ACMA monitors and investigates compliance with the media diversity and control rules, and takes enforcement action where appropriate.

It also handles applications for prior approval of temporary breaches of control rules and opinions on control arrangements for a given company under divisions 1, 2, 3, 5 and 5A of Part 5 of the BSA. The ACMA also maintains the Register of Controlled Media Groups (RCMG) and the Associated Newspaper Register, along with an interactive media control database.

### Register of Controlled Media Groups

The RCMG helps industry comply with the media diversity limits by providing information to industry and the community on the existence of registrable media groups in licence areas across Australia. The RCMG also helps the ACMA to monitor compliance with the ownership and control rules. The RCMG lists the media groups in each commercial radio licence area, the media operations that form part of each group and the controllers of those operations.

### Updates to the RCMG

During 2012–13, the ACMA continued to keep the RCMG and associated media databases up to date and publicly available.

Commercial television and radio licensees, and publishers of newspapers associated with a licence area must notify the ACMA of any changes in control within five days of becoming aware of those changes. Similar obligations apply to persons who come into a position to exercise control of such licences and associated newspapers.

Unless a transaction creating a new group results in an unacceptable media diversity situation<sup>1</sup> or an unacceptable three-way control situation<sup>2</sup>, the ACMA updates the RCMG with an unconfirmed entry within two days of receiving notification. The ACMA then reviews and confirms or cancels the unconfirmed entry within 28 days. Similar requirements apply to the removal and alteration of entries.

No new unacceptable media diversity situations arose during the reporting period. At 30 June 2013, there were no licence areas where an unacceptable three-way control situation existed.

#### **Associated Newspaper Register**

Under section 59 of the BSA, the ACMA is required to maintain a public register of newspapers that are ‘associated’ with commercial radio or television broadcasting licence areas.

The register is available on the ACMA website.

#### **Interactive media control database**

The ACMA’s interactive media control database, available on its website, enables the public to search across six categories—state, radio licence area, controller, network, licence and associated newspaper.

The database contains the details in the RCMG, information about ungrouped or independently owned media operations and a guide to the number of points in each radio licence area. Like the RCMG, the information in the database is based primarily on notifications received from licensees and publishers, and their controllers (see *Notifications of changes in control* and *Annual notifications* below).

## **Compliance with ownership and control provisions**

### **Notifications of changes in control**

During the reporting period, the ACMA received notifications about 12 transactions that affected the control of media operations. Most of these transactions affected multiple media operations and one transaction affected two different types of media operations (newspapers and commercial radio licences). These notifications of change of control affected:

- > 42 commercial radio broadcasting licences
- > 17 commercial television broadcasting licences
- > 39 associated newspapers.

The ACMA amended the notifications registers and the RCMG to reflect these changes, making the information publicly available.

### **Annual notifications**

By 30 September each year, commercial television and radio licensees, and the publishers of the newspapers listed in the Associated Newspaper Register must give the ACMA a list of all persons in a position to exercise control of the licence or newspaper as at 30 June of that year.

For the fourth year running, the licensees of all 327 commercial broadcasting licences and publishers of all 46 associated newspapers lodged their annual returns on time. The information provided in the annual returns is used to monitor the ownership of media operations and is reflected in the media control database and the RCMG.

1 An unacceptable media diversity situation arises where there are fewer than five points in any metropolitan licence area or fewer than four points in any regional licence area. In general, each registrable media group constitutes one point, as does each separate media operation that is not part of a registrable media group.

2 An unacceptable three-way control situation exists if a person is in a position to exercise control of a commercial television licence, a commercial radio licence and an associated newspaper in the one radio licence area.

## Enforcement for failure to comply with notification provisions

Under Part 14E of the BSA, an authorised infringement notice officer can issue a formal warning (under section 205XA) and this may be followed by an infringement notice (under section 205Y) where the officer has reasonable grounds to believe that a person has contravened a notification provision (section 62, 63 or 64).

Most of the notifications lodged with the ACMA for change of control events that occurred in the reporting period were lodged within statutory time limits. During the reporting period, one infringement notice and six formal warnings were given for late notifications of changes in control.

## Applications for prior approval

During the reporting period, the ACMA approved three applications for prior approval of temporary breaches under section 67 and granted two applications under section 68 for an extension of the period granted under section 67. All applications were finalised within the allowed statutory period. Details of temporary breaches approved by the ACMA are provided in the Register of Notices and Approvals under Part 5 of the Act, available on the ACMA website.

All section 67 applications for prior approvals and applications for extension of approval periods dealt with during the reporting period arose out of circumstances created by a breach that was given temporary approval under section 67 in a previous reporting period.

On 25 March 2011, the ACMA, under section 67 of the BSA (the original section 67 notice), approved breaches of sections 54 and 56 by Southern Cross Media Group Limited (SCMG) and related companies, and their directors that arose when SCMG acquired Austereo Group Limited. The breaches arose because section 54 provides that a person must not be in a position to exercise control of more than two commercial radio licences in a licence area. Related restrictions apply to directorships under section 56.

The acquisition gave SCMG control of Triple M 4MMM and B105 FM/4BBB in the Brisbane RA1 licence area. Prior to acquisition, SCMG was also in a position to exercise control of Sea FM/4SEE and MIXFM 103.5/4SSS in the Nambour RA1 licence area. The acquisition put SCMG in a position to exercise control of four commercial radio licences in the combined Brisbane RA1/Nambour RA1 licence area.<sup>3</sup>

The approval required that action be taken to ensure the breaches cease within one year. The ACMA also accepted an enforceable undertaking from SCMG and related companies to divest two of the radio network's commercial radio licences within the one-year approval period so as to rectify the breaches. The undertaking is published on the ACMA website.

The ACMA also gave individuals joining boards of companies in a position to exercise control of SCMG (director applicants) section 67 temporary approval as any appointment to those boards would have been a fresh breach of associated directorship limits in section 56 of the BSA.

<sup>3</sup> Under the Act, the overlapping Brisbane and Nambour commercial radio broadcasting licence areas are treated as a single licence area for the purposes of sections 54 and 56 because more than 30 per cent of the Nambour RA1 licence area population is attributable to an area that overlaps with the Brisbane RA1 licence area.

On 23 February 2012, the ACMA granted SCMG and the other original company applicants a one-year extension of the period granted in the original section 67 notice, requiring compliance by 24 March 2013 rather than 24 March 2012. This extension was given pending a Federal Court ruling on an application from SCMG and four of its subsidiaries, including Sunshine Coast Broadcasters Pty Ltd, to review a decision by the ACMA on the Nambour licence area plan. On 2 November 2012, the Federal Court dismissed the application.

Justice Kenny held that the request for a variation to a licence area plan made by Sunshine Coast Broadcasters could not compel the ACMA to make provision for 'wide public consultation', and endorsed its approach to licence area planning—in particular, that it could decide, for any such request, whether or not to propose that a variation of a licence area plan be made. Only if the ACMA proposed a variation to a licence area plan must it make provision for wide public consultation. Justice Kenny also dismissed each of the administrative law grounds raised by Sunshine Coast Broadcasters and noted that, in making its decision, the ACMA had undertaken 'a conscientious evaluation' of the request.

On 15 March 2013, SCMG divested its interest in the two Nambour licences, Sea FM/4SEE and MIXFM 103.5/4SSS, in compliance with the original section 67 notice.

#### **Provisions of opinions on control**

Under section 74 of the BSA, an applicant can request that the ACMA gives an opinion on whether a person is in a position to control a licence, newspaper or company. The ACMA did not receive any requests for such opinions during the reporting period.

## **Local content**

### **Regional television**

The following regional commercial television broadcasting licensees in Queensland, New South Wales, Victoria and Tasmania must broadcast minimum amounts of material of local significance (local content) as a result of an additional licence condition imposed on them:

- > Seven Qld, Southern Cross and WIN TV in regional Queensland
- > NBN Ltd, Prime Television and Southern Cross in northern New South Wales
- > Prime Television, Southern Cross and WIN TV in southern New South Wales
- > Prime Television, Southern Cross and WIN TV in regional Victoria
- > Southern Cross, WIN TV and Southern Cross/WIN joint venture in Tasmania.

The minimum amount of local content is 720 points per six-week period, with a minimum 90 points per week. Points accrue on the basis of two points per minute for local news, and one point per minute for other local content material, excluding paid advertising.

A transitional arrangement has applied to Tasmanian Digital Television (TDT) under the Broadcasting Services (Additional Television Licence Condition – Digital Mode Transmission) Notice 8 November 2007 for a limited period up until 31 December 2012, after which TDT is required to meet the same obligations as other licensees as outlined above.

Based on figures provided to the ACMA by the licensees subject to the condition under a self-reporting scheme, all licensees met the quota requirements for the 2012 calendar year.

On 28 June 2013, following a ministerial direction, the ACMA commenced a review to investigate the operation and effectiveness of section 43A of the BSA, which sets out local content requirements for regional commercial television broadcasters.

The review is considering a range of issues, including the importance of and access to local content in regional areas, the economic circumstance of regional commercial television broadcasters and whether local content requirements should be extended to other regional areas.

The outcomes of the review are scheduled for reporting to the minister by December 2013.

## Regional radio

### Local content—all regional commercial radio broadcasting licensees

A licence condition in place since 1 January 2008 requires regional commercial radio licensees to broadcast prescribed amounts of material of local significance (local content) between 5 am and 8 pm on business days.

In April 2012, the BSA was amended to:

- > exempt section 40, racing service and remote area service licences from the local content licence condition
- > reduce the operation of the local content obligation from 52 weeks to 47 weeks per year.

Annual reporting from licensees submitted on 30 September 2012 for the 2011–12 financial year showed a high level of compliance with the local content licence condition. All 222 licensees met their local content quotas as required by the Broadcasting Services (Additional Regional Commercial Radio Licence Condition – Material of Local Significance) Notice 19 December 2007.

### Investigations—local content licence condition

During the reporting period, there were no complaints or investigations into compliance with the local content licence condition.

See also *Broadcasting compliance—complaints and investigations* on page 102.

### Local content and presence obligations due to a trigger event

Since April 2007, regional commercial radio licensees affected by a trigger event have been obliged to:

- > maintain existing levels of local presence (local staff and facilities)
- > broadcast specified amounts of local news and information.

In April 2012, the BSA was amended to:

- > exempt racing service and remote area service licences from the local presence and local news and information obligations (section 40 licences were already exempt)
- > reduce the period for maintaining existing levels of local presence to 24 months from the date of the trigger event
- > reduce the operation of the local news and information requirement from 52 weeks to 47 weeks per year.

The definition of a ‘trigger event’ was amended with effect from 16 October 2012 so that, subject to certain exceptions, a trigger event is defined as:

- > the transfer of a regional commercial radio broadcasting licence
- > a change in control of a regional commercial radio licence
- > the formation of a new registrable media group where a regional commercial radio broadcasting licence is in the group
- > a change of controller of a registrable media group where a regional commercial radio broadcasting licence is in the group.

Once a trigger event occurs for a licence, a licensee must give the ACMA a draft local content plan within 90 days of the trigger event. Local content plans approved by the ACMA are kept on a register available on the ACMA website. There were 95 regional commercial radio licensees affected by a trigger event as at 30 June 2013.

The ACMA’s compliance strategy is based on mandatory reporting and complaints. As the electronic register of approved local content plans is available on the ACMA website, performance against obligations is transparent, enabling the public as well as the ACMA to consider compliance issues.

### Investigations—local presence and local news and information

During the reporting period, there were no investigations or complaints into compliance with the local news and information obligations.

## Digital broadcasting

### Digital television

On 19 October 2008, the minister released a timetable for the area-by-area switchover to digital television. The first areas were switched over in 2010. In 2012–13, Northern New South Wales (27 November 2012); Adelaide (2 April 2013); Tasmania (9 April 2013); Perth (16 April 2013); Brisbane, including Gold Coast and remaining Sunshine Coast markets within the Regional Queensland licence area (28 May 2013); and Remote and Regional Western Australia licence areas (25 June 2013) switched over. Four areas remained to complete the switchover—Darwin on 30 July 2013, Sydney on 3 December 2013 and the final areas, Melbourne and Remote Central and Eastern Australia, on 10 December 2013.

The completion of digital switchover will mean the end of free-to-air analog television broadcasting. The transition to digital means viewers will need to use digital receiving equipment to receive free-to-air broadcast television. As the regulator for spectrum management and broadcasting, the ACMA has a number of responsibilities related to the digital switchover and worked closely with the Digital Switchover Taskforce and related areas of DBCDE during 2012–13, providing technical and regulatory advice and information on television coverage.

### New technology

The ACMA addressed emerging digital television technologies and standards such as 3D television in *Beyond switchover—the future technical evolution of digital terrestrial television in Australia*, released for public comment in January 2012. The discussion paper asked whether, in the light of ever-improving technical standards, there is anything the regulator should do to manage the progression to new digital terrestrial broadcasting technologies over the next decade and beyond.

Following publication of the submissions to the paper, in June 2013 the ACMA began engaging with industry experts on key broadcasting technology issues such as transmission and compression standards, the impact of connected TV platforms and the future of high definition. The ACMA expects to consult further with industry and, if appropriate, the wider public on broadcasting technology in the coming year.

### Television channel planning and restack

Following discussions with the government, in early 2010 commercial broadcasters committed to rolling out additional digital transmitters to fill in coverage gaps and to convert to digital about 100 analog retransmission facilities licensed to third parties like local councils. The ACMA planned gap-filler or retransmission conversion services at approximately 120 sites, to be funded by commercial broadcasters, with almost all of them implemented at 30 June 2013.

In February 2012, the ACMA approved new guidelines for authorising digital television retransmission services by self-help providers, such as councils. The guidelines require applicants seeking to provide digital television retransmission services to address certain matters aimed at making sure that the viewer experience of the retransmitted television service is substantially the same as that from a broadcaster-provided terrestrial service. In addition to the guidelines, the ACMA imposed conditions on apparatus licences issued to self-help providers. Since the guidelines were published in draft form in October 2011, the ACMA has licensed self-help retransmission services at 143 sites, following applications that contained undertakings to comply with the guidelines. As at 30 June 2013, applications for self-help retransmission services at a further eight sites were being considered.

In July 2010, the minister directed the ACMA on a range of issues related to the replanning of digital television to yield the 126 MHz of digital dividend. Subsequent ACMA analysis and industry consultation led to the ACMA settling restack planning principles for clearing the digital dividend.

In 2011–12, the ACMA, in collaboration with industry, developed detailed channel plans necessary to implement restack and clear the digital dividend for reallocation. The primary legal instruments being used to implement the restack process are television licence area plans (TLAPs), which specify pre- and post-restack channels and the date by which each service must vacate its current channel. A total of 19 TLAPs have been developed covering all licence areas in Australia, with this process now complete. By the end of December 2012, TLAPs for all regional and metropolitan licence areas had been completed, and the two TLAPs for remote licence areas were completed on 18 April 2013.

On 19 April 2013, the minister made the Australian Communications and Media Authority (Television Licence Area Plan and Monitoring) Direction 2013. This directed the ACMA to consider whether the objective of meeting the restack dates specified in the TLAPs will be met. If the ACMA is satisfied that the restack objective will not be met due to an event or circumstance outside of the control of a digital television broadcaster, and where mitigation action could not reasonably be taken by the broadcaster, the ACMA must vary the relevant TLAP(s) to the minimum extent necessary to address the adverse effect of the event or circumstance.

See also *Television licence area plans* on page 63, *Digital channel plans and variations* on page 65 and *Broadcasting technical standards—digital television* on page 80.

### **Signal measurement and field analysis**

The multifaceted television coverage evaluation program (CEP) concluded in 2012–13. This program helped to identify transmission infrastructure issues that would otherwise have prevented the transmission of digital television broadcasting from achieving a number of policy objectives outlined under Part 2 of Schedule 4 of the BSA. As part of the planning process, the ACMA required broadcasters to identify any potential transmission issues to be addressed. The ACMA also had regular and ongoing dialogue with engineers from the commercial and national broadcasters and their infrastructure providers in various professional forums.

An active measurement program supported the CEP to identify coverage issues, including areas where potential reception difficulties may be experienced. At 30 June 2013, the ACMA had taken more than 168,000 measurements at more than 23,000 locations across Australia. The areas covered by the program this year included the Sydney, Melbourne, Darwin, Remote and Regional Western Australia, and Remote and Central Eastern Australia licence areas. These measurements provided detailed information about the performance of digital television under a variety of conditions to help inform various government-administered programs and digital television initiatives.

Where required, the coverage evaluation of switchover markets was brought forward in response to potential changes in the switchover dates/windows for the major metropolitan markets, including Melbourne and Sydney, allowing greater time for troubleshooting and helping in the smooth rollout of digital television.

From inception, the CEP has delivered 33 area reports to the government as part of its statutory reporting on digital television coverage. The ACMA will continue to report specific areas of deficient reception identified through the CEP and associated measurement program, including information on the submission of broadcaster implementation plans and rollout of digital services.

Information from the CEP continues to help inform implementation of the Viewer Access Satellite Television (VAST) service, including access and subsidy arrangements for those households unable to receive terrestrial digital television. Similarly, the CEP continues to provide information critical to the Digital Switchover Taskforce's MySwitch website, where households can find out if they are able to receive digital terrestrial television coverage and channels, as well as information on the various assistance schemes for the implementation of digital television. See also *Viewer Access Satellite Television service* on page 45.

Following extensive consultation with stakeholders, the ACMA recognised the need to give DBCDE further engineering support for any pressing issues arising closer to the switchover date for each area and in connection with any subsequent restack process. While the CEP assessed same coverage issues across switchover regions, the Enhanced Coverage Evaluation Program (ECEP) has a more targeted approach, focusing on smaller areas assessed as a television broadcast 'hotspot' via a risk analysis approach. The ECEP gives the government thorough and area-specific reports, as well as information on coverage and reception issues related to the rollout of gap fillers. In 2012–13, four ECEP reports were presented to the government, including Boolarra and Echuca, and two separate reports for the Hunter/Port Stevens area.

## Report on digital television transmission and reception

The ACMA contributes to reports tabled by the minister as required under clause 5H of Schedule 4 of the BSA, which states:

On the first sitting day of each House of the Parliament after each 1 January, 1 April, 1 July and 1 October from 1 April 2009 until 1 September 2014, the minister must cause a report to be laid before each House of the Parliament containing the following information:

- (a) action taken to identify and rectify transmission infrastructure that would otherwise prevent the transmission of free to air television broadcasting services in SDTV digital mode in any area achieving the same level of coverage and potential reception quality as was achieved by the transmission of those services in analogue mode; and
- (b) the local market areas and regions where transmission issues have been identified and how many households will be affected.

The ACMA contributed to four reports in 2012–13, which were tabled in parliament on 14 August and 9 October 2012, and 5 February and 14 May 2013. Subsequent contributions will be provided in accordance with time frames established between the DBCDE and the ACMA. Reports on digital television transmission and reception required under clause 5H can be found on the DBCDE website.

## Viewer Access Satellite Television service

The VAST service is a government initiative to give people in remote areas and terrestrial digital television 'black spots' access to a metropolitan equivalent suite of digital television services. The eligibility for access to commercial services on VAST is provided for in conditional access schemes developed by industry and registered by the ACMA under enabling legislation. Amendments to this legislation by the *Broadcasting Services Amendment (Digital Television) Act 2012* added new requirements to which the conditional access schemes must be directed.

This included a requirement for the schemes to allow for the scheme administrator to determine 'open access areas'—those areas where it is reasonable to expect that, at the end of the simulcast period, viewers will be unable to receive adequate reception of all applicable digital commercial terrestrial broadcasting services. In July 2012, the ACMA called on the industry to submit revised conditional access schemes that complied with the new legislated objectives. The ACMA registered the revised conditional access schemes in October 2012.

As well as registering the conditional access schemes, the ACMA considers appeals from viewers who were refused access to VAST services by the scheme administrator. To date, the schemes have been working well to provide all Australians with digital television services.

For information about complaints brought under the VAST schemes, see page 107.

## Digital radio

### Introduction of DAB+ digital radio

Digital radio services using the DAB+ standard officially commenced in Adelaide, Brisbane, Melbourne, Perth and Sydney on 1 July 2009. In July 2012, the ACMA approved a 12-month extension to trials of DAB+ being conducted in Canberra and Darwin. The ACMA has also licensed a trial of a DAB+ on-channel repeater (OCR) located in Collins Street, Melbourne. The OCR is designed to supplement the main Melbourne DAB+ signal and provide improved coverage to the Melbourne CBD. DAB+ OCRs may provide a model for DAB+ in-fill retransmissions in other digital radio markets. The ACMA is working with industry on its plans to roll out OCRs on a permanent basis to improve coverage in metropolitan areas.

The ACMA is also examining options for extending DAB+ digital radio services to regional Australia, with work originally commencing in the context of the minister's review under section 215A of the BSA.

## Case study

# Australia tuned in— TLAPs finalised for restack

Television licence area plans (TLAPs) are the long-term planning instruments for television broadcasting services and the primary instruments for managing the restack of such services. Restack refers to the process of clearing digital television services from the digital dividend band (694–820 MHz).

A TLAP specifies television channels that are to be available in each area, allots the channels to broadcasters and determines the key technical characteristics together with any technical limitations, or events or circumstances related to the use of a particular channel. Where channel allotments must change to facilitate restack, the date by which the allotment of the original (pre-restack) channel ceases is also specified. Once TLAPs come into effect they replace the licence area plans and digital channel plans for those areas.

The *Broadcasting Legislation Amendment (Digital Dividend and Other Measures) Act 2011* (the Digital Dividend Act) commenced in May 2011. The Digital Dividend Act introduced new legislative provisions into the BSA relating to the ACMA's planning powers for television broadcasting services. The BSA now empowers the ACMA to make and vary TLAPs under its planning powers in Part 3.

TLAPs essentially give legal effect to the restack channel plans developed by the ACMA in consultation with industry throughout 2011 and 2012. The ACMA's innovative work in developing restack planning principles, which underpin the channel plans, resulted in the adoption of the 'block' planning approach, which places the channels to be used at each transmission site in contiguous blocks.

In late 2011, the first four TLAPs—for the Riverland, Spencer Gulf, Broken Hill and Mount Gambier/South East licence areas—were made. By the end of 2012, the ACMA had successfully finalised a further 13 TLAPs and three TLAP variations. The remaining two TLAPs, covering the remote areas of Australia, were completed in April 2013. These TLAPs gave commercial, community and national television broadcasters the channels they needed to complete the restack process and clear the digital dividend spectrum.

Finalising all 19 TLAPs in less than two years—for the whole of Australia—was an enormous task made possible through extensive consultation with industry, tight project management and strong collaboration between staff from various teams within the ACMA. The TLAP process also involved drafting, editing, cross-checking, reviewing and finalising over 3,000 pages of TLAP instruments and associated papers and documents.

All 19 TLAPs were made before the auction of the digital dividend spectrum in late April 2013.



## Spectrum management

The ACMA plans and manages the radiofrequency spectrum in Australia. It is responsible for compliance with licensing requirements and investigating complaints of interference to services. The scope of the ACMA's role includes spectrum planning, apparatus licensing, class licensing, spectrum licensing, auctions and trading, and satellite communications and space systems regulation.

As in many other countries, Australia must increasingly address the balance between growing demand for access to spectrum by new technologies and uses, and the legitimate requirements of existing users for ongoing use of spectrum. It must also address the balance between government use of the spectrum and its availability for use by the broader community. The ACMA continues to work to balance the competing demands of new uses and the defence and essential services sectors with the broader community requirements for access to spectrum, as well as new technologies and spectrum management methods.

In 2012–13, the ACMA's major spectrum initiatives included:

- > allocating the 700 MHz and 2.5 GHz bands
- > undertaking processes for expiring spectrum licences, including considering reissue of licences to current licensees and reviewing relevant technical frameworks for the 800 MHz and 1800 MHz bands
- > continuing work on the conversion of the 2.5 GHz mid-band gap for spectrum licensing
- > continuing work on developing arrangements to support the relocation of ENG services (used for wireless video coverage of news and sporting and cultural events) from the 2.5 GHz band
- > issuing public consultation papers to initiate discussion and provide guidance on improving tenure for Earth station operations

- > releasing the discussion paper *The 803–960 MHz band—exploring options for future change* to seek stakeholder views on the proposals for the future of this band
- > working with public safety agencies on realising a nationally interoperable public safety mobile broadband network and ascertaining their spectrum requirements in the 800 MHz band
- > continuing to support the transition of wireless microphones from the digital dividend
- > implementing new arrangements for the 400 MHz band
- > updating the *Five-year spectrum outlook 2013–2017*.

### Allocation of 700 MHz and

#### 2.5 GHz bands

##### Digital dividend auction

On 23 April 2013, the ACMA commenced the digital dividend auction to reallocate spectrum in the 700 MHz (the 'digital dividend') and 2.5 GHz bands using the combinatorial clock auction methodology. The spectrum on offer comprised the following frequency bands:

- > 703–748 and 758–803 MHz in the 700 MHz band
- > 2500–2570 and 2620–2690 MHz in the 2.5 GHz band.

The auction concluded on 7 May 2013—with all three bidders securing spectrum in the auction, resulting in total revenues of nearly \$2 billion (see Table 2). In the 700 MHz band, 60 MHz was allocated (see Figure 3) and all of the 140 MHz in the 2.5 GHz band was allocated (see Figure 4). The auction results position the Australian telecommunications industry to deliver fast, ubiquitous mobile broadband connectivity to consumers and industry.

The auction results were verified by an independent third party, who confirmed that the auction software correctly implemented the auction rules and accurately identified the successful bidders and prices.

Table 2: Digital dividend auction results

Bidder	Spectrum secured		Total price
	700 MHz band*		
Optus Mobile	2x10 MHz (20 MHz in total)	2x20 MHz (40 MHz in total)	\$649,134,167
Telstra	2x20 MHz (40 MHz in total)	2x40 MHz (80 MHz in total)	\$1,302,019,234
TPG Internet	Nil	2x10 MHz (20 MHz in total)	\$13,500,000
<b>Total spectrum sold</b>	<b>2x30 MHz (60 MHz in total)</b>	<b>2x70 MHz (140 MHz in total)</b>	<b>\$1,964,653,401**</b>
<b>Total spectrum unsold</b>	<b>2x15 MHz (30 MHz in total)</b>	<b>Nil</b>	<b>N/A</b>

\*Under the allocation limits, a single bidder could not acquire more than 2x25 MHz (50 MHz in total) in the 700 MHz band and more than 2x40 MHz (80 MHz in total) in the 2.5 GHz band.

\*\*Total revenue to be recognised in future financial years.

Figure 3: Frequency ranges assigned to successful bidders—700 MHz band

703–803 MHz—nine national lots of 2x5 MHz

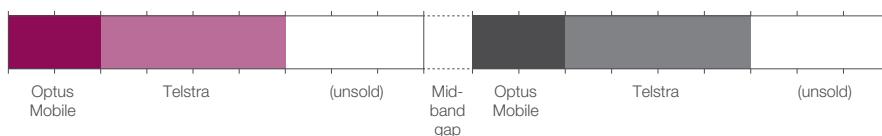
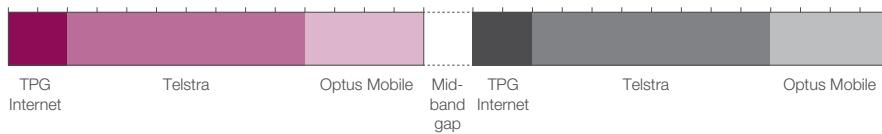


Figure 4: Frequency ranges assigned to successful bidders—2.5 GHz band

2500–2690 MHz—14 regional\* lots of 2x5 MHz



\*Each bidder secured the same number of lots for each region in this band.

Winning bidders will be issued with spectrum licences that will commence on the following dates:

- > licences for the 700 MHz band will commence on 1 January 2015
- > licences for the 'National Area' (as specified in the 2.5 GHz band spectrum reallocation declaration<sup>4</sup>) in the 2.5 GHz band will commence on 1 October 2014
- > licences solely for the Metro Perth region and/or the Regional Western Australia region in the 2.5 GHz band will have a later commencement date of 1 February 2016.

With the exception of licences in the 2.5 GHz band for the Metro Perth region and/or the Regional Western Australia region, spectrum licences in both bands will be issued for a 15-year period. Spectrum licences in the 2.5 GHz band for the Metro Perth region and/or the Regional Western Australia region will have a duration of less than 15 years to allow the licences to expire at the same time as other licences issued in the 2.5 GHz band.

The auction was preceded by a range of preparatory activities, including the following in the reporting period:

- > benchmarking international auction results and conducting economic and financial analysis to inform the setting of reserve prices
- > developing, consulting on and finalising rules for both the 700 MHz and 2.5 GHz allocations
- > undertaking empirical analysis to inform the consideration of lot ratings
- > determining the appropriate lot configurations for each band.

In January 2013, the ACMA published the *Applicant information package*, setting out the rules and processes governing the auction and the reserve prices in line with the ministerial directions for the auction.

Of the four companies that applied and paid to participate in the auction, three registered by the deadline of March 2013. From February to April, the ACMA delivered its bidder engagement plan, which gave applicants and registered bidders materials and auction software tools, as well as detailed instructions about how to access the online auction system. The ACMA also conducted two mock auctions.

In conducting the auction, the ACMA allocated spectrum efficiently to maximise the overall public benefit derived from the spectrum in accordance with the objectives of the Radiocommunications Act.

The auction process itself ran smoothly and resulted in the allocation of spectrum to the companies that valued it the most. The auction represents the culmination of almost three years of constructive engagement with industry stakeholders and is another important step towards realising Australia's digital dividend.

See also *Conversion of the 2.5 GHz mid-band gap* on page 51 and a case study on the digital dividend auction on page 50.

4 On 1 November 2011, the minister made two spectrum reallocation declarations—the Radiocommunications (Spectrum Re-allocation) Declaration No.1 of 2011, which relates to the 700 MHz band, and the Radiocommunications (Spectrum Re-allocation) Declaration No. 2 of 2011, which relates to the 2.5 GHz band.

## Case study

# Digital dividend auction

In April 2013, the ACMA commenced the digital dividend auction, one of the largest spectrum auctions ever held in Australia.

The auction used the combinatorial clock auction (CCA) format, which has a number of advantages over other, more traditional, systems, including selling multiple items in a single auction process. CCA allowed bidders to bid on packages of spectrum in both the 700 MHz and 2.5 GHz bands, offering them the flexibility to acquire specific combinations of spectrum to best meet their business needs.

CCA also created better incentives for each bidder to submit bids reflecting their true value of the spectrum and so produce an efficient allocation. CCA has been used successfully for spectrum auctions overseas, although its application on regional lots in the Australian digital dividend auction was the world's first.

Throughout its auction preparations, the ACMA placed significant emphasis on its stakeholder engagement. This formally kicked off in November 2011 at the ACMA's *Spectrum auction tune-up* in Melbourne. This event was an opportunity for the ACMA and other government agencies to share their auction plans with stakeholders—an open and transparent approach to policy development that characterised the next 18 months of auction preparation. A number of preliminary and formal consultation processes and day-long combinatorial clock auction workshops were also held in Melbourne and Sydney.

To help stakeholders keep track of the engagement and consultation activities, the ACMA published all information on a dedicated website for the auction, while almost 400 subscribers to a monthly auction e-bulletin received timely updates on these activities. The ACMA received positive feedback on the usefulness of these products and will consider adopting this approach for future key projects.

While the early engagement was characterised by a focus on the broader group of industry stakeholders, in 2012–13 this shifted to bidder engagement and support. This proved important, given the decision to reallocate the spectrum using the CCA.

Following the auction application deadline, in February 2013 the ACMA gave auction applicants a wealth of support materials, including online demonstrations, user manuals and software tools for the online auction system. Building on this, in March 2013 the ACMA ran individual mock auctions with each applicant—a unique feature of the engagement plan as regulators in other countries tend not to provide this facility for their bidders. These mock auctions gave applicants the opportunity to independently familiarise themselves with the auction system and rules.

A week before the auction, the ACMA ran a second mock auction with all bidders participating. This was the dress rehearsal for the auction, allowing bidders to test their own internal procedures and equipment to access the auction system in a realistic and competitive environment.

The ACMA appreciates the high quality of stakeholder engagement in the design and implementation of the digital dividend auction over the past 18 months. It thanks its key stakeholders for helping the ACMA to take a further step in realising Australia's digital dividend.

### **Early access to the 700 MHz band**

Successful bidders in the digital dividend auction will be able to apply to the ACMA for apparatus licences for a period before the spectrum licences in the 700 MHz band commence on 1 January 2015. This period is called the 'early access' period.

In a consultation paper released in January 2013, the ACMA proposed an annual tax for PMTS Class B apparatus licences of \$0.375/MHz (paired)/population for early access to spectrum won in the auction in the 700 MHz band. This was derived from the auction reserve price of \$1.36/MHz/population. The ACMA is considering the issues raised in the submissions received.

### **Conversion of the 2.5 GHz mid-band gap**

On 24 February 2012, the minister made the Radiocommunications (Spectrum Designation) Notice No. 1 of 2012 in relation to the 2.5 GHz mid-band gap. This allowed the ACMA to commence processes to convert existing ENG apparatus licences—held by the free-to-air commercial broadcasters and the Australian Broadcasting Corporation—to spectrum licences. During the reporting period, the ACMA consulted on a draft conversion.

The conversion process is an important part of providing long-term certainty for ENG operators. Certainty is also provided by the creation of the Television Outside Broadcast Services (1980–2110 MHz and 2170–2300 MHz) Frequency Band Plan.

As part of the conversion process, a spectrum access charge may be determined for each of the spectrum licences to be issued in the 2.5 GHz mid-band gap. In May 2013, the ACMA consulted with the four apparatus licensees—Australian Broadcasting Corporation, Channel Seven Sydney Pty Limited, Nine Network Australia Pty Ltd and Network TEN (Sydney) Pty Limited—about the proposed spectrum access charges. It is anticipated that the ACMA will determine the relevant spectrum access charges in August 2013.

### **Relocation of ENG services**

The ACMA continued to plan for the relocation of ENG services (used for wireless video coverage of news and sporting and cultural events) from the 2.5 GHz band. Work in 2012–13 focused on arrangements to support requirements of both free-to-air broadcasters and subscription television. Planning for the relocation of ENG services is continuing with the development of coordination arrangements. The majority of this work is anticipated to be completed by the end of 2013.

### **Wireless microphones and the digital dividend**

The ACMA is responsible for planning the future use of the 'digital dividend' (694–820 MHz) once the incumbent free-to-air television services have consolidated (or 'restacked') into the lower 520–694 MHz. The restack is scheduled to be completed by 31 December 2014. Wireless audio transmitters (wireless microphones) may currently be operated in the 'unused' channels within the television broadcasting spectrum and the operation of many of these devices will be affected by the digital dividend and restack of television services.

The ACMA is supporting the transition of wireless microphones from the digital dividend frequency ranges. On 19 April 2013, the ACMA made changes to arrangements for wireless microphones in the Radiocommunications (Low Interference Potential Devices) Class Licence 2000 (the LIPD Class Licence). These changes:

- > mean that after 31 December 2014, wireless audio transmitters (including wireless microphones) will no longer be authorised to operate in the frequency range 694–820 MHz (the digital dividend band)
- > introduce new arrangements supporting the use of digital wireless audio transmitters in the frequency range 520–694 MHz
- > introduce new arrangements supporting the use of wireless audio transmitters in the frequency range 1790–1800 MHz.

The ACMA also commenced work to restrict the supply of wireless microphones operating in the digital dividend frequency ranges. The ACMA has requested Standards Australia amend the applicable industry standard (AS/NZS 4268) to align it with the changes to the LIPD Class Licence. In June 2013, Standards Australia released for comment a proposed amendment to AS/NZS 4268 to exclude the frequency band 694–820 MHz for wireless microphone use. Once Standards Australia publishes the amended standard, it will be mandated automatically by means of the ACMA's Radiocommunications (Short Range Devices) Standard 2004, which adopts the latest published version of the applicable industry standard.

On 11 June 2013, the ACMA released a discussion paper proposing changes to the grandfathering provisions under the mandatory standard. Under these changes, suppliers will have three months to transition to the amended standard rather than the normal 12-month transition period when a standard is amended. A large number of suppliers have already ceased supplying equipment operating in the digital dividend frequency ranges as a consequence of the original digital dividend decision. The proposed changes support those suppliers.

The discussion paper also sought comment on proposals that Australian importers and manufacturers of wireless audio transmitters operating in the digital dividend frequencies must inform purchasers that these devices cannot be operated in the 694–820 MHz range after 31 December 2014. The ACMA intends to make the final arrangements for supply of wireless microphones in the third quarter of 2014.

On 28 May 2013, the minister made the Australian Communications and Media Authority (Low Interference Potential Devices in the Digital Dividend) Direction 2013. By 30 July 2013, the ACMA was to review and report to the minister on the provision of spectrum for wireless audio transmitters that currently operate in the frequency band 694–820 MHz but will no longer be permitted to do so after 31 December 2014. The direction also requires the ACMA to advise the minister on the transition pathway for wireless microphones—what information will be available on future spectrum availability and what educational activities are in place to help the radiocommunications community make any necessary changes. The ACMA has commenced work on the transition report.

In 2012–13, the ACMA undertook a range of stakeholder engagement and awareness-raising activities to support the transition of wireless microphones from the digital dividend, including:

- > Holding a half-day workshop attended by more than 60 members of the wireless microphone and television broadcast industries.
- > Undertaking a Google AdWords campaign.
- > Highlighting changes in prominent forums like the ACMA Chairman's keynote speech to the CommsDay Congress as well as through ACMA media releases.
- > Mailing out information to registered suppliers.
- > Publishing a dedicated monthly wireless microphones e-bulletin. The first issue was sent to respondents to the LIPD consultation process and attendees of the wireless microphone spectrum workshop.
- > Planning a webinar to discuss proposed changes to supply arrangements and ongoing ACMA education and outreach activities.

This work will continue into 2013–14.

### **Five-year spectrum outlook**

In keeping with Program 1.1: Communications regulation, planning and licensing, the ACMA continues to update the *Five-year spectrum outlook 2013–2017* and expects its release in September 2013. It is a living document and is open to industry comment at all times. The ACMA reviews and updates the outlook annually so that it reflects current demands and priorities.

The outlook outlines the ACMA's assessment of the demand for different parts of the radiofrequency spectrum. It provides an avenue for discussion with all spectrum users about emerging pressures for changing approaches to spectrum management and the ACMA's work plan. The 2013 update will again be released as an e-mag, viewable on smartphones, tablets and PCs.

The outlook fulfils the ACMA's commitment to:

- > provide greater insight and transparency for industry stakeholders
- > facilitate discussion between the ACMA and stakeholders
- > provide a useful summary of important spectrum management policies and priorities.

### **Expiring spectrum licences**

Fifteen-year spectrum licences were first issued in the late 1990s and early 2000s and are now approaching expiry. Some of these spectrum-licensed bands are used to deliver high-value telephony and broadband services.

For some of these spectrum-licensed bands, the minister made a 'class of services' determination in 2012 that it would be in the public interest to reissue licences to incumbent licensees, providing they have used the licence to provide the following services:

- > mobile voice and data communications services in the 800 MHz, 1800 MHz and 2 GHz bands
- > wireless broadband services in the 2.3 GHz and 3.4 GHz bands
- > satellite services in the 27 GHz band.

At the same time as making the class of service determination, the minister also directed the ACMA regarding the value of spectrum in each of the bands mentioned above. The direction requires the ACMA to reflect this valuation in the spectrum access charges it fixes under section 294 of the Radiocommunications Act.

The ACMA has commenced its regulatory processes under section 82 of the Radiocommunications Act to consider reissue of those licences in the bands specified in the class of services determination. The ACMA has offered reissue of spectrum licences to incumbent licensees in the 800 MHz and 1800 MHz bands, subject to payment of the spectrum access charge on or before the date specified in the relevant spectrum access charge determination. Where licences are not reissued, the ACMA will prepare reallocation processes. The ACMA's policy is to provide both incumbent and prospective licensees with certainty, where possible, on the outcome of expiring spectrum licences in each band approximately 18 months before licence expiry.

### **Spectrum access charge determinations for expiring spectrum licences**

#### **800 MHz**

On 21 September 2012, the ACMA made the Radiocommunications (Spectrum Access Charges – 800 MHz Band) Determination 2012 (No. 1), specifying the spectrum access charges for licences that had been offered for reissue to the incumbent licensees—Telstra Corporation and Vodafone Hutchison Australia Pty Ltd.

On 6 November 2012, the Authority also made Radiocommunications (Spectrum Access Charges – 800 MHz Band) Determination 2012 (No. 2), specifying the spectrum access charge for a number of licences held by Vodafone Hutchison Australia Pty Ltd. These licences were subject to a subsequent reissue consideration process from those in September 2012.

On 5 June 2013, the ACMA received payment of the spectrum access charge for reissued spectrum licences in the 800 MHz band from both Telstra Corporation and Vodafone Hutchison Australia Pty Ltd. The ACMA has reissued spectrum licences to these entities for a further 15-year period.

#### **1800 MHz**

On 20 December 2012, the Authority made two determinations specifying the spectrum access charges for each tranche of the 1800 MHz band:

- > The Radiocommunications (Spectrum Access Charges – 1800 MHz Band) Determination 2012 (No. 1) specifies the amount of spectrum access charge for spectrum licences expiring in 2013 (Tranche 1).
- > The Radiocommunications (Spectrum Access Charges – 1800 MHz Band) Determination 2012 (No. 2) specifies the amount of spectrum access charges for spectrum licences expiring in 2015 (Tranche 2).

Not all Tranche 2 spectrum licences have been subject to the ACMA's reissue consideration process at this stage.

On 5 June 2013, the ACMA received payment of the spectrum access charge for reissued spectrum licences in Tranche 1 of the 1800 MHz band from seven of the eight spectrum licensees. Where the spectrum access charge has been received, the ACMA has reissued spectrum licences to the incumbent licensees for a further 15-year period. One licensee, the Department of Transport, Planning and Infrastructure, declined the offer of reissue on its Tranche 1 spectrum licence in the Adelaide area. This spectrum is likely to be subject to a price-based allocation process in 2014.

## Review of technical frameworks

The ACMA is working with licensees and other interested parties in technical liaison groups to review the technical framework for each spectrum-licensed band, in order to provide increased flexibility and greater spectrum utility for the next spectrum licence term. The technical liaison group process is conducted for each band as the date of the spectrum licence expiry approaches. In 2012–13, the ACMA commenced the review of technical frameworks for the 2.3 GHz and 3.4 GHz bands. The technical liaison group process for the 2.3 GHz band commenced in February 2013 and is expected to be completed in the third quarter of 2013. The ACMA also expects to commence the technical liaison group process for the 3.4 GHz band in the third quarter of 2013.

Table 3 provides a summary of the spectrum-licensed frequency bands and bandwidths, the year in which the licences expire and the type of service for which the applicable technical framework is optimised.

## Mobile broadband project

The ACMA is considering spectrum requirements for future mobile broadband services, noting that stakeholder demand for access to spectrum is increasing.

As an initial step, the ACMA released the discussion paper *Towards 2020—Future spectrum requirements for mobile broadband*. This paper identified the baseline spectrum requirements for future mobile broadband services and a number of possible frequency bands under 6 GHz, including the 1.5 GHz mobile band, that could be used to meet that expected demand up to 2020.

In January 2013, the ACMA released a *Summary of submissions and initial response* to the *Towards 2020* discussion paper. This indicated that the information provided in the submissions to *Towards 2020* would inform the ongoing development of a strategy and forward work plan to address the issue of spectrum for mobile broadband services.

The ACMA also received 25 submissions in response to the discussion paper *Planning for mobile broadband within the 1.5 GHz mobile band*. The paper investigated the potential use of the 1427.9–1510.9 MHz band (the 1.5 GHz mobile band) for mobile broadband services. The ACMA is currently considering the submissions.

**Table 3: Expiry of spectrum licences**

Band	Frequencies	Expiry	Main use
800 MHz	825–845 MHz 870–890 MHz (paired)	June 2013	Public mobile telephony (3G)
1800 MHz	1710–1755 MHz 1805–1850 MHz (paired)	June 2013	Public mobile telephony (LTE, GSM, GSM-R) <sup>5</sup>
28 and 31 GHz	27.5–28.35 GHz (unpaired) 31.0–31.3 GHz (unpaired)	January 2014	Wireless access services
1800 MHz	1755–1785 MHz 1850–1880 MHz (paired)	May 2015	Public mobile telephony (LTE, GSM, GSM-R)
2.3 GHz	2302–2400 MHz	July 2015	Wireless access services
3.4 GHz	3425–3442.5 MHz 3475–3492.5 MHz (paired) 3442.5–3475 MHz 3542.5–3575 MHz (paired)	December 2015	Wireless access services
27 GHz	26.5–27.5 GHz	January 2016	Wireless access services, satellite gateway
2 GHz	1900–1980 MHz 2110–2170 MHz	October 2017	Public mobile telephony (3G)
20 and 30 GHz	20.2–21.2 GHz 30–31 GHz	April 2021	Satellite operations

<sup>5</sup> GSM-R is a system based on the GSM standard that provides communication and control for railway traffic and signals.

## Mobile phone jammer trial at Lithgow Correctional Centre

On 6 December 2012, the ACMA approved a field trial of mobile phone jammers at Lithgow Correctional Centre in NSW to assess the feasibility of blocking the reception of mobile phones as a law enforcement strategy. The trial is expected to commence in late September 2013 and will conclude on 30 June 2014. The trial will be run by Corrective Services NSW (CSNSW).

To enable the field trial, the ACMA made the Radiocommunications (Field Trial by Corrective Services NSW of PMTS Jamming Devices at Lithgow Correctional Centre) Exemption Determination 2012. Key features of the field trial include:

- > specification of designated frequencies for mobile phone jamming in the field trial zone
- > radio emissions limitations in non-designated frequencies outside the field trial zone
- > the development of a carrier liaison agreement between industry and CSNSW to manage the field trial.

Consistent with the Exemption Determination, CSNSW will report to the ACMA on the outcomes of the field trial in late 2014.

## Low-power open narrowcasting services review

In February 2013, the ACMA released the discussion paper *Review of the operation of low-power open narrowcasting (LPON) services*, which sought comment on:

- > the potential to consolidate the LPON sector into the 87.5–88 MHz sub-band following the closure of analog television stations in mid-2013 and the availability of exclusion zones in the 87.5–88 MHz band
- > the continued efficacy of a price-based allocation system for the issue of LPON licences
- > the ongoing requirement for 'anti-hoarding' licence conditions
- > interference management requirements for LPON services.

The ACMA will progress the review in the next reporting period. The current expiry date for LPON apparatus licences is 31 December 2014.

See more about LPON compliance and enforcement on page 90.

## Deployment of body scanner devices at Australia's international airports

On 30 August 2012, in accordance with paragraph 105(2)(b) of the Radiocommunications Act, the ACMA made the decision to issue apparatus licences to the Department of Infrastructure and Transport to authorise the operation of millimetre-wave body scanners at Australian international airports in the frequency range 26.5–28.35 GHz. This is for the purpose of aviation security screening.

## Trial of advanced power limit for advanced amateurs

In March 2012, the ACMA approved a trial for amateur advanced licensees to apply, on an individual basis, for an increase in transmitter output power. Licensees can apply to use up to 1000 watts peak envelope power in bands where the amateur service is primary. Operation must be at a fixed location. The trial period runs until the end of August 2013.

In January 2013, the ACMA began an assessment of the trial to evaluate whether more permanent regulatory arrangements should be put in place. The assessment process is expected to be completed in the first quarter of 2013–14.

## European Space Agency Earth station coordination arrangements

The ACMA supports spectrum management aspects of treaty level arrangements with the European Space Agency (ESA) for a Co-operative Space Vehicle Tracking Program. This work includes managing the radiofrequency spectrum to support ESA requirements for space exploration missions. These requirements are under consideration as part of work on expiring spectrum licences in the 2.3 GHz band and the relocation of ENG services from the 2.5 GHz band.

## Space regulation

The ACMA is responsible for fulfilling Australia's obligations as a member of the International Telecommunication Union (ITU). It supports the filing of Australian satellite networks with the ITU and actively works with prospective satellite operators in meeting these obligations. The ACMA also provides the interface with other ITU administrations in coordinating Australia's satellite spectrum requirements.

The ACMA made 203 assessments of publications in the reporting period for proposed foreign satellite networks, initiating coordination processes (where necessary) with foreign administrations on their proposed satellite networks with Australian spectrum requirements and responding to their reciprocal requests of Australia. This role helps to protect Australian interests and maximise the benefits of spectrum/orbital resources through working cooperatively with other ITU Member Administrations.

During the reporting period, the ACMA participated in bilateral satellite coordination meetings with the administrations of the Republic of Indonesia and the Russian Federation. These meetings involve significant amounts of negotiation on the technical parameters of planned and/or operational satellite networks (the meetings treated more than 150 and 750 satellite network pairs, respectively).

The ACMA also provides ongoing advice to Australian Government agencies and the Australian space community on space radiocommunications. During the reporting period, the ACMA provided advice on:

- > Australia's satellite utilisation policy
- > regulatory matters for Australian satellite operators and the radiofrequency community.

## International activities

The ACMA participated in a number of national, regional and international radiocommunications meetings as part of key preparatory work for the ITU World Radiocommunication Conference (WRC-15), to be held in Geneva from 2–27 November 2015.

As the United Nations specialised agency for information and communication technologies, the ITU convenes a World Radiocommunication Conference every three to four years. Under section 299 of the Radiocommunications Act, the ACMA is required to have regard to 'any agreement, treaty or convention, between Australia and another country or countries, that makes provision in relation to radio emission'.

Australia, as a member state of the ITU, participates in the technical studies and regulatory preparation for the conferences. In 2012, the ACMA commenced preparations for WRC-15 by convening its Preparatory Group, which is a peak stakeholder advisory group to the ACMA. The Preparatory Group consists of ACMA representatives and other key Australian Government and industry radiocommunication interests. This work is supported by the Australian Radiocommunications Study Groups (ARSGs), which develop inputs to the ITU-R Study Group process through the ACMA and advise the ACMA on international radiocommunications issues associated with WRC-15.

In developing Australia's positions on WRC-15 Agenda items, the Preparatory Group is required to take into account information from other ITU regions and administrations. Australian delegations, generally consisting of Preparatory Group or ARSG members, participate in numerous international and regional meetings, including key meetings of the ITU-R and Asia-Pacific Telecommunity (APT). These meetings develop technical and regulatory material in preparation for WRC-15 as well as ongoing work on general ITU-R Recommendations and Reports of international radiocommunication activities and standards.

The ACMA coordinates Australia's involvement in the Asia-Pacific regional preparations through the APT, which organises a series of five meetings to develop APT Common Proposals to WRC-15. This process provides the opportunity to canvass Australian Preliminary Views and establish a broad regional consensus favourable to Australia on the majority of WRC-15 Agenda items. At the first APG15 meeting in Da Nang, Vietnam, from 10–11 September 2012, the ACMA successfully secured chairmanship of Working Party 3 and was instrumental in establishing the structure and direction for APG15.

In conjunction with DBCDE, the ACMA also represented Australia at the 36<sup>th</sup> session of the APT Management Committee in Bangkok from 6–9 November 2012. At this meeting, ACMA delegates continued negotiations to assist proper and appropriate direction of the Preparatory Group for WRC-15.

The ACMA also led Australian delegations to two meetings of the Asia–Pacific Telecommunity Wireless Group (AWG) held in Da Nang from 12–15 September 2012 and Bangkok from 18–21 March 2013. The objectives of the AWG include developing cost-effective and timely radiocommunications solutions, sharing information on radio technologies and harmonising spectrum usage in the Asia–Pacific region. At both meetings, Australia took a lead role in establishing and progressing work on harmonised arrangements to realise maximum benefit from the future use of digital dividend spectrum as it becomes available in the region.

During 2012–13, a total of 108 Australian delegates participated in 40 meetings of ITU-R Study Groups and working parties, where 31 Australian contributions were presented.

See also *International matters* on page 117.

### Radiocommunications research program

In 2012–13, the ACMA commenced a range of research initiatives to strengthen the evidence base underpinning its spectrum management function. This included an April 2013 request for tender on the economic assessment of the impact of mobile broadband technologies on the Australian economy and society. In June 2013, the ACMA commissioned external research on spectrum requirements forecasting for wireless access services.

It is anticipated that this research will help the ACMA respond to some of the key planning, allocation and policy challenges in the post-digital dividend auction environment.

## Allocation and licensing

### Market-based resource management

Market-based resource management makes a significant contribution to the efficiency of the communications sector. In particular, it contributes to the efficient planning, allocation and use of national resources such as radiofrequency spectrum and smartnumbers (freephone and local-rate telecommunication numbers).

Public benefit will generally be maximised where resources are allocated to their highest value use or uses—those that maximise the value licensees, consumers and the wider community derive from the resource. Market-based approaches such as auctions and opportunity-cost pricing are accepted as normally being the most efficient means of allocating scarce resources to their highest valued use or uses. The ACMA uses market-based approaches to resource management to maximise the efficient allocation and use of resources. In turn, this maximises opportunities for current and future licensees.

For example, auctions are used to allocate all smartnumbers and spectrum. The ACMA supports a secondary market to reallocate them to higher value uses when market values change after the initial allocation.

In April and May 2013, the ACMA conducted the digital dividend auction. In the lead-up to the auction, the rules and processes, including the spectrum licensing arrangements, were finalised and the *Applicant information package* was published. See *Digital dividend auction* on page 47 for more information.

### Radiocommunications licensing Apparatus licensing

Apparatus licences can be issued for any period ranging from one day to a maximum of five years. The majority of licences are for one year with annual renewals thereafter.

The ACMA issues apparatus licences that require frequency assignment coordination (assigned licences) as well as apparatus licences where no frequency assignment coordination is required (non-assigned licences).

The ACMA's key performance indicator (KPI) for the issue of licence applications requiring frequency assignment is to have completed 60 per cent of applications within 30 days of receipt. For licence applications not requiring frequency assignment, the ACMA has established a KPI of completing 100 per cent of applications within 14 days of receipt.

During 2012–13, the ACMA did not meet the KPIs for licences requiring frequency assignment, with 32.6 per cent of applications being completed within 30 days. The ACMA did not meet the KPIs for licences not requiring frequency assignment, with 94.8 per cent of all applications completed within 14 days of receipt. The small percentage of applications that were not completed within these KPIs were those requiring more complex assessment.

#### New licences

In 2012–13, 12,430 new apparatus licences were issued, bringing the number of current licences at 30 June 2013 to 159,516 (see Table 47 in Appendix 4). During the reporting period, 141,342 licences were renewed. The number of new licences issued for each of the last three years grew from 11,507 in 2010–11 to 13,882 in 2011–12, and decreased to 12,430 in 2012–13. Over the same period, the annual number of apparatus licences issued has averaged 12,606.

A total of \$118.988 million in licence tax and charges revenue was received in 2012–13 (see Table 4).

#### Price-based apparatus licence allocations—LPON licences

Every three months, the ACMA offers to allocate low-power open narrowcasting (LPON) licences and holds auctions where there are competing applications. LPON licences allow for the provision of niche radio services, such as tourist radio and racing information, or ethnic and religious programming. They operate at very low power outputs and serve relatively small areas. During 2012–13, the ACMA allocated an additional 69 LPON licences, raising revenue of \$31,000.

#### 400 MHz band implementation

The ACMA continued to work with industry and government to implement new arrangements for the 400 MHz band during 2012–13. The new band arrangements should deliver harmonised spectrum for use by government agencies and, in the longer term, enhance the interoperability of state and federal emergency services.

The ACMA intends to finalise transition to the new arrangements by 31 December 2015 in areas where congestion is defined, and by 31 December 2018 outside these areas. This long lead time allows users to build the new requirements into their capital replacement programs and make the necessary adjustment to their networks. The ACMA's first milestone for 400 MHz implementation was 31 December 2012. Transition compliance trends indicated 99 per cent compliance will be achieved by 31 December 2013.

**Table 4: Radiocommunications apparatus licences, 30 June 2013**

Type of licence	Revenue 2012–13 (\$m)
<i>Assigned licences</i>	
Public telecommunications service	55.863
Fixed	56.526
Land mobile	21.251
Satellite*	4.458
Defence	10.847
Other	3.122
<b>Total assigned licences</b>	<b>152.067</b>
<i>Non-assigned licences</i>	
<b>Total</b>	<b>153.698</b>

\*Includes Earth, space, Earth receive and space receive licences.

In 2012–13, the ACMA continued the transition of the 400 MHz band through a suite of planning, policy and pricing tools, including:

- > establishing a dedicated 400 MHz implementation project team to undertake a comprehensive engagement strategy and information campaign
- > refining the technical framework and assignment processes in consultation with stakeholders
- > beginning the transition of licensees from high-power simplex services in high- and medium-density areas to low-power services
- > implementing a system for monitoring stakeholders' progress against transition milestones using the ACMA's licence database and an online system to inform licensees of their particular transition requirements over the next six years
- > applying the first of five proposed annual taxation increases in the high-density areas of the band to progressively move the apparatus licence tax to opportunity cost
- > offering financial incentives in the form of discounts for early transition (to date, these have not been widely used, with one licensee taking up the discount in 2012–13)
- > amending subordinate legislation to remove permission for amateurs to use harmonised spectrum in the range 420–430 MHz and managing the surrender/variation of amateur licences in conjunction with the Wireless Institute of Australia
- > amending the Australian Radiofrequency Spectrum Plan to provide arrangements for managing licence allocation to government users in harmonised government spectrum
- > surveying major commercial licensees to assess their progress
- > engaging with the top 50 government users affected by transition milestones two and three, with results to be analysed and considered in the next reporting period
- > introducing a process for managing exceptions, which has been operating reasonably efficiently
- > conducting sample monitoring of the 400 MHz band in high-density areas to confirm that transmitters are licensed.

The new tax arrangements for the 400 MHz band were implemented by amending the Radiocommunications (Transmitter Licence Tax) Determination 2003 (No. 2) and Radiocommunications (Receiver Licence Tax) Determination 2003 (No. 2). The ACMA will monitor and review the impact of the tax increases over a five-year period, assess their impact on spectrum demand and congestion, and consult with stakeholders before implementing further tax increases, if warranted.

The ACMA acknowledges that transitioning to the new arrangements remains challenging for many users and continues to work closely with licensees and accredited persons to support transition arrangements. The final outcomes of the review will minimise the impact on existing users while achieving the review objectives of government spectrum harmonisation, increased technology flexibility, and greater efficiency of allocation and use. Once transition is achieved, the need for further regulatory intervention in the band will be low.

## Spectrum licensing

### Regulatory arrangements

The ACMA has been comprehensively reviewing the regulatory arrangements underpinning the spectrum licensing framework in order to make them robust for the next 15-year spectrum licence period. In March 2012, the ACMA released a discussion paper outlining a number of incremental changes to the spectrum licence regulatory framework that will provide increased flexibility and greater spectrum utility. A number of these were implemented in 2012–13, including:

- > reviewing the Radiocommunications (Spectrum Licence Tax) Determination 1999 to include a recalculated base amount for the annual licence tax using updated cost and revenue figures
- > updating the Radiocommunications (Trading Rules for Spectrum Licences) Determination 2012 to include changes to spectrum trading units and minimum contiguous bandwidth arrangements to encourage flexibility for trading and emerging technologies
- > clarifying the device registration process for licensees and accredited persons by amending regulatory instruments and releasing a policy guideline and information paper
- > introducing a consolidated, single licence template for the issue of spectrum licences

- > removing the spectrum licence arrangement from the scope of the labelling requirements set out in the Radiocommunications (Labelling) Determination 1997.

The ACMA has also put in place a policy to address the absence of in-force reallocation declarations for a number of spectrum-licensed bands that are subject to expiry in the next few years. The absence of in-force reallocation declarations for these bands means that any spectrum that is not reissued or reallocated via a price-based allocation process prior to expiry will *automatically* cease to be subject to spectrum licensing at the expiry of current licences. This is not considered to be the policy intent of the Act or the government.

The ACMA's approach to automatic reversion will be to recommend to the minister that the reverted spectrum be designated for spectrum licensing under section 36 of the Act where appropriate. This will enable the continuation of spectrum licensing arrangements in that spectrum space.

#### **Aggregation process in the 1800 MHz band**

The ACMA continues to work closely with incumbent spectrum licensees to aggregate spectrum licence holdings in the 1800 MHz band. Currently, each licensee holds licences for spectrum in different parts of the frequency band. Aggregating separate holdings into a single, contiguous block of spectrum for each licensee makes spectrum use more efficient.

Aggregation for licences expiring in 2013 will occur through changes to the conditions of the spectrum licence subject to reissue. This is in accordance with the provisions set out in subsection 79(2) of the Radiocommunications Act. For licences expiring in 2015, the ACMA required the agreement of each licensee to vary the conditions of the existing licence in accordance with section 72 of the Radiocommunications Act. This agreement was provided in the last quarter of 2012.

The aggregation took effect on 18 June 2013, which was the commencement date for the reissued Tranche 1 spectrum licences in the 1800 MHz band.

#### **Spectrum auction capability**

Following a comprehensive review of auction methods and IT capability, the ACMA procured services to support future spectrum auctions, including to allocate spectrum licences in the 700 MHz (digital dividend) and 2.5 GHz bands undertaken in April 2013.

The ACMA engaged the US-based firm Power Auctions LLC to supply spectrum auction capability, implementation and related advisory services. Under the terms of the contract, Power Auctions:

- > provided a customised combinatorial clock auction system to implement the digital dividend auction
- > trained ACMA auction management staff and prospective bidders in the use of the online system
- > provided expert advisory services to support the ACMA's development of auction procedures for the combinatorial clock auction methodology.

The ACMA also engaged the US-based firm Computech Inc. to supply simultaneous multi-round ascending auction capability. Such capability may be used to auction spectrum in the future.

#### **Class licensing**

##### **Low interference potential devices**

Low interference potential devices include a wide range of low-power radio transmitters used by the public every day, such as garage door openers, wireless local area networking equipment and wireless identification tags. Operation of these common devices without individual coordination is accomplished through class licensing. The ACMA's class licensing arrangements provide a no-cost-to-the-user authorisation to operate such equipment, without the need to issue individual licences.

Rapidly developing radio technology leads to significant numbers of enquiries from equipment importers who seek the inclusion of new equipment items with class licences. However, before the operation of a device can be covered by a class licence, planning studies must be conducted. These should determine a set of common characteristics that make sure the operation of these devices represents a low interference risk to existing Australian telecommunications services.

##### **The Radiocommunications (Low Interference Potential Devices) Class Licence 2000**

(the LIPD Class Licence) is regularly varied to maintain currency and keep pace with technological developments. The ACMA updated the LIPD Class Licence on 19 April 2013 to support the transition of wireless microphones from the digital dividend (see *Wireless microphones and the digital dividend* on page 51).

### Accredited Persons scheme

The Accredited Persons (APs) scheme provides a market-based solution for frequency coordination and device registration. Under the scheme, the ACMA accredits appropriately qualified persons to issue frequency assignment certificates for apparatus licences and interference impact certificates for spectrum licences. Since its introduction, radiocommunications licensees have seen the benefit of using the services of appropriately qualified APs. APs now undertake the majority of frequency assignment activity for the Australian radiocommunications sector.

During 2012–13, the ACMA performed its annual review of assignment activity undertaken by all APs. The aim of this process is to keep APs' skills and knowledge of frequency assignment and interference impact certification current, and to maintain the integrity of spectrum management arrangements. APs who have been inactive for at least two years can have their accreditation withdrawn. In the reporting period, accreditation was withdrawn from 13 inactive APs.

In 2012–13, the total number of APs decreased from 53 to 39 (see Table 5). This was a direct result of the ACMA's annual review of assignment activity. Two new applicants were accredited and three APs advised the ACMA that their accreditation was no longer required. With the percentage of assignment activity performed by APs continuing to grow—increasing by three per cent in 2012–13 (see Table 6)—the AP scheme is considered to be operating very effectively.

APs register all devices that require authorisation to operate under a spectrum licence, supporting the self-regulatory approach to spectrum management that spectrum licensing introduced in 1997. This approach allows licensees to take responsibility for much of the administration related to their spectrum licences. In 2012–13, APs registered 37,013 devices operated under spectrum licences.

### Certificates of proficiency and operator examinations

The Australian Maritime College (AMC) in Launceston has provided marine radio operator certification and examination services on behalf of the ACMA since 2002. After an open tender process in 2011, the ACMA re-appointed the AMC as its delegate from 1 August 2012. These arrangements are managed by a new Deed of Agreement for an initial period of five years, with two options of five-year extensions. Under this arrangement, the AMC is also responsible for promoting the certification services and keeping examination methods relevant and accessible to marine radio users.

As part of the transition arrangements under the Deed, the reporting period has been amended to align with AMC's financial reporting period based on the calendar year. The annual reports are published on the AMC website. Table 7 details activity levels for the AMC's last two last financial years (Jan–Dec).

### Review of marine radio operator qualifications for recreational boaters

In October 2012, the ACMA published the outcomes of its review of regulatory arrangements for VHF marine radio operator qualifications for recreational boaters. The review was triggered in 2009 after the National Marine Safety Committee expressed concerns to the ACMA about declining standards in VHF radio use.

Table 5: Number of APs, 30 June 2009 to 30 June 2013

30 June 2009	30 June 2010	30 June 2011	30 June 2012	30 June 2013
67	69	57	53	39

Table 6: Assignments registered, 2008–09 to 2012–13

	2008–09	2009–10	2010–11	2011–12	2012–13
Frequency assignments registered by APs	11,930 68%	15,343 74%	16,278 72%	20,544 77%	19,040 80%
Frequency assignments performed by the ACMA	5,642 32%	5,559 26%	6,272 28%	5,978 23%	4,627 20%

The objectives of the review were to:

- > improve the integrity of the radiocommunications spectrum management framework as it applies to the recreational boating community
- > examine the needs of the recreational boating community in its use of VHF radio, including for safety purposes, and identify how those needs might best be supported in light of the ACMA's role and responsibilities
- > promote the overall efficiency of the regulatory framework supporting the operation of marine radio by the recreational boating community.

Throughout the review, the ACMA focused on formulating an effective, efficient and sustainable approach to managing marine radio qualifications in the longer term. The outcomes of the review are the result of extensive dialogue between marine safety stakeholders, individual boaters and the ACMA, and are based on the ACMA's spectrum management responsibilities. As a result, the ACMA will:

- > Coordinate the development and implementation of the Australian Waters Qualification (AWQ), which will become the new mandatory qualification for recreational boaters using VHF marine radio channels within Australian territorial waters. It is anticipated that the AWQ arrangement will begin during 2013–14.
- > Align its remaining marine radio certificate of proficiency framework with the Maritime Training Package administered by the Transport and Logistics Industry Skills Council (TLISC) in the longer term.

The ACMA continued its information campaign to inform recreational marine radio operators of the correct VHF radio channels to use in particular circumstances and the protocols they need to follow. The ACMA has now produced 10 short videos, one in collaboration with the Bureau of Meteorology, to disseminate key campaign messages, and has distributed online and printed material through organisations with close links to the recreational boating sector. State marine safety and regulatory bodies, marine volunteer organisations, boating industry organisations and other key interested bodies also supported the campaign.

The ACMA also used social media to disseminate key marine radio information messages, and attended selected boat shows and marine events in cooperation with main stakeholders like AMC, the Bureau of Meteorology, NSW Maritime and Transport Safety Victoria.

#### **Amateur radio operator examination services**

The Wireless Institute of Australia (WIA) has provided examination services to the amateur radio community on behalf of the Australian Government since 1991. The WIA also issues amateur certificates of proficiency, administers amateur call signs and makes recommendations to the ACMA about their allocation.

The ACMA is responsible for issuing and varying amateur transmitter licences. The WIA reporting period in this report has been amended to the calendar year to align with its financial reporting period. During 2012, the WIA conducted 804 amateur examinations. Table 8 details the number of amateur certificates of proficiency issued based on the results of these examinations. Some amateurs may have needed to successfully undertake more than one examination to qualify for the relevant certificate of proficiency.

**Table 7: Marine radio operator certification and examination services—activity levels**

	2011	2012
<b>Total applications received</b>		
Marine Radio Operators Certificates of Proficiency	4,291	4,363
Marine Radio Operators VHF Certificate of Proficiency	1,571	1,642
Marine Satellite Communications Certificates	26	39
<b>Total handbook sales</b>		
Marine Radio Operators Handbooks	3,723	3,801
Marine Radio Operators VHF Handbooks	2,360	2,151

*Note: Figures in this table report on a calendar year basis as opposed to the previous financial year basis.*

The WIA also made 982 recommendations on call sign allocation. The ACMA allocated 777 call signs based on these recommendations and approved 162 call sign changes.

## Broadcasting licence area plans and variations

### Television licence area plans

A TLAP is the principal instrument for managing the restack of television broadcasting services. It comprises a determination and schedules, and an attachment setting out the licence area. A TLAP:

- > specifies the channels that are to be available in certain parts of a licence area
- > allots channels to particular television broadcasting service providers (or empowers the ACMA to allot them)
- > sets the timing of the channel allotments for restack
- > determines the characteristics, including technical specifications of the transmission of broadcasting services, that are to be available.

TLAPs were introduced by amendments to the BSA in May 2011 and are the long-term planning instruments for television broadcasting services. They come into effect after the end of simulcast, replacing the relevant licence area plans and digital channel plans for television services (licence area plans for radio services and digital radio channel plans will not be affected).

Over the reporting period, the ACMA made 14 TLAPs:

- > Darwin—November 2012
- > Mildura/Sunraysia—December 2012
- > Regional Queensland—December 2012
- > Regional Victoria—December 2012
- > Northern New South Wales—December 2012
- > Southern New South Wales—December 2012
- > Tasmania—December 2012
- > Adelaide—December 2012
- > Brisbane—December 2012
- > Melbourne—December 2012
- > Perth—December 2012
- > Sydney—December 2012
- > Remote Central and Eastern Australia—April 2013
- > Remote and Regional Western Australia—April 2013.

The ACMA also completed three TLAP variations (see Table 9).

### Licence area plans and variations

A licence area plan (LAP) relates to broadcasting and is a legislative instrument comprising a determination, schedules and attachments setting out the licence area and technical specifications for existing and proposed services. LAPs for television services will be replaced by TLAPs when they come into effect. LAPs for radio services will not be affected by the introduction of TLAPs.

Over the reporting period, the ACMA made one television LAP variation and nine variations to radio LAPs (see Table 10).

Table 8: Amateur certificates of proficiency issued, 2011 and 2012

Certificate level	Certificates issued	
	2011	2012
Foundation	404	356
Standard	121	98
Advanced	112	89
<b>Total</b>	<b>637</b>	<b>543</b>

*Note: Figures in this table report on a calendar year basis as opposed to the previous financial year basis.*

**Table 9: Variations to TLAPs**

Service area	Purpose of variation
Broken Hill – November 2012	To revise the channel allotment dates contained in the TLAP, make minor amendments to the technical specifications to reflect the progression of restack in those areas and remove redundant channel allotment entries.
Spencer Gulf – November 2012	Same as above
Riverland – November 2012	Same as above

**Table 10: Variations to LAPs**

Service area	Purpose of variation
Adelaide Radio – March 2013	To increase the transmitter power, allow day/night switching, modify the radiation pattern and relocate the transmitter site of the existing Adelaide commercial radio broadcasting service 5DN, modify the radiation pattern of the Adelaide high-powered open narrowcasting (HPON) on AM frequency 1539 kHz and increase the transmitter power, and adopt an omni-directional (OD) pattern for the long-term Adelaide Foothills community radio broadcasting service 5MBS.
Brisbane Radio – July 2012	To change the transmission site, transmitter power and radiation pattern of the existing Brisbane AM commercial radio broadcasting service 4KQ, and update the description of the existing commercial and community radio licence areas in the Brisbane LAP to 2006 census data.
Broken Hill Radio – March 2013	To confirm the current operation of the national radio service 2PNN (NewsRadio) on 104.5 MHz and the open narrowcasting service 'Cross FM' on 94.9 MHz, and to approve a change of frequency, an increase in transmitter power and a change of site for the commercial radio service 2HIL. 2HIL will now operate on FM frequency 96.5 MHz from Broadcast Site 3 km NW of Broken Hill with a maximum effective radiated power of 4 kilowatts.
Colac Radio – March 2013	To change the FM frequency (from 99.1 MHz to 88.7 MHz) and transmitter site, lower the maximum power level (from 250 W to 100 W) and change the radiation pattern of the existing community radio broadcasting service 3OCR's in-fill transmitter.
Ipswich Radio – March 2013	To regularise the operation of the Boonah community radio service 4RIM so that it is now authorised to operate from Footes Hill, Boonah. Because of this change, the boundaries of 4RIM's licence area (Boonah RA1) have been modified to reflect the coverage achieved from Footes Hill.
Mount Isa Radio – February 2013	To make frequency 104.9 MHz available for a new ABC Parliamentary News Network/ News Radio (PNN) national broadcasting service.
Nhulunbuy Radio – February 2013	To increase the power level (from 100 W to 500 W) of the existing community radio broadcasting service 8EAR. These changes will improve coverage of the 8EAR licence area.
Remote and Regional Western Australia Analog Television – November 2012	To add geographical data, including Cocos/Keeling and Christmas Islands in the Western Zone TV1 and Remote and Regional Western Australia TV1 licence areas, and add two additional census districts to the South West and Great Southern TV1 and the Remote and Regional Western Australia TV1 licence areas.
Wagga Wagga Radio – March 2013	To extend 2TVR's licence area (Tumut RA1) to include the community of Adelong and make available the FM frequency 94.1 MHz for 2TVR to provide its community radio service there.
Wangaratta Radio – February 2013	To make the FM frequency 92.9 MHz available for an in-fill transmitter with a maximum power level of 50 W for the existing Mount Beauty community radio broadcasting service 3VKV. This existing transmitter will allow for coverage of the 3VKV licence area.

## Digital channel plans and variations

The ACMA is responsible for managing the conversion of television transmissions from analog to digital mode. Legislative schemes (the 'conversion schemes') have been developed for the conversion of commercial and national television broadcasting services from analog to digital mode over a period of time.

The conversion schemes authorise the ACMA to develop digital channel plans (DCPs), which determine the channels to be allotted to each commercial and national television broadcaster in a given area as well as the technical limitations and characteristics of those channels. DCPs have been replaced by TLAPs as they come into effect.

In 2012–13, the ACMA made variations to the commercial DCP for Brisbane and the commercial and national DCPs for Regional Queensland, North Coast and Inland New South Wales, and Remote Central and Eastern Australia (see Table 11).

In the reporting period, the ACMA provided technical advice to the minister on the determination of digital-only local market areas for:

- > Bicheno, Derby, Dover, Hillwood, King Island, Maydena, Rosebery and Swansea in Tasmania
- > Batchelor, Jabiru, Karumba, Menindee and Normanton in Remote Central and Eastern Australia
- > Aramac, Dirranabandi, Meandarra, Taroom, Tottenham, Wandoan, Wirrulla and Woomera in Remote Central and Eastern Australia
- > Andamooka, Birdsville, Camooweal, Coober Pedy, Dimbulah, Jericho, Katherine, Mataranka, Mount Garnet, Mount Molloy, Muttaburra, Pine Creek, Tambo, Thursday Island, Surat and St George in Remote Central and Eastern Australia

- > Ceduna/Smoky Bay in Remote Central and Eastern Australia
- > Cue, Laverton, Morawa, Mullewa and Ravensthorpe in Remote and Regional Western Australia
- > Leonora and Yalgoo in Remote and Regional Western Australia
- > Ocean Shores in Northern New South Wales.

## Broadcasting licensing

In 2012–13, the ACMA:

- > issued 119 transmitter licences for national radio and television services
- > issued 388 broadcasting retransmission licences
- > approved 320 applications for out-of-area television
- > issued two radio and television test transmission licences
- > varied 31 radio and television apparatus licences
- > issued 117 special event broadcasting licences for radio and television services.

## International broadcasting licences

The ACMA did not receive any applications for international broadcasting licences during 2012–13.

**Table 11: Variations to digital channel plans**

Service area	Purpose of variation
Regional Queensland	To allow a digital-only local market area to come into effect and provide restack channels prior to the commencement of the relevant TLAP.
North Coast New South Wales	Same as above
Inland New South Wales	Same as above
Brisbane, Gold Coast and Sunshine Coast (commercial DCP only)	Same as above
Remote Central and Eastern Australia	To minimise restack after digital switchover and confirm final channels for the full rollout of commercial television services.

## Temporary community broadcasting licences

The temporary community broadcasting licence scheme has been in place since 1997. It allows the ACMA to allocate non-renewable community radio licences to eligible aspirant broadcasters.

If broadcasting services bands (BSB) spectrum is available, but the ACMA has not started or completed planning and allocation processes for that spectrum, it may determine that part of the spectrum is available for allocation to temporary community broadcasting licensees. A temporary licence can be allocated only if the ACMA has made such a determination.

The scheme gives the ACMA flexibility to promote the efficient and effective use of spectrum and aspirant broadcasters the opportunity to develop broadcasting skills before merit-based allocation of planned long-term community broadcasting licences.

Temporary licences are allocated for a maximum 12-month licence period. During the reporting period, the ACMA allocated 92 temporary licences—five for new services and 87 to licensees of existing temporary community broadcasting services. As at 30 June 2013, there were 95 temporary licences—three licences allocated in the previous reporting period were still operating.

## Community radio broadcasting licences

Under Part 6 of the BSA, community broadcasting licences using the BSB are allocated and renewed after the ACMA has had regard to statutory merit considerations. Where there are competing applicants for a licence allocation, the comparative merits of the applicants are considered. The ACMA is not obliged to allocate a community broadcasting licence, even though it has advertised for and received applications.

During the reporting period, the ACMA:

- > allocated one community radio broadcasting licence for Cherbourg (Queensland)
- > decided not to allocate the community radio broadcasting licence for Cairns (Queensland)
- > renewed 158 community broadcasting licences, of which 65 were remote Indigenous broadcasting services.

Consideration of applications for 10 community radio broadcasting licences—Coffs Harbour, Wilcannia and Young (New South Wales); Bundaberg, Gin Gin and Tiaro (Queensland); Wodonga (Victoria) and Augusta, Geraldton and Kalgoorlie (Western Australia)—was ongoing at the end of the reporting period.

There were 355 community radio broadcasting licences at 30 June 2013, of which 72 were remote Indigenous broadcasting services.

The ACMA processed all licence renewal applications within 12 months of receipt.

## Commercial radio broadcasting licences

During 2012–13, the ACMA renewed 33 commercial radio broadcasting licences for services using the BSB. No new commercial radio broadcasting licences were allocated for services using the BSB during the reporting period.

As at 30 June 2013, there were 273 commercial radio broadcasting licences.

## Licensing at end of simulcast

Under the commercial and national television conversion schemes, broadcasters were advised of licensing arrangements at digital switchover as a result of:

- > digital-only local market areas being declared for northern New South Wales
- > the end of the simulcast periods for Adelaide, Tasmania, Perth, the Sunshine Coast, Brisbane and the Gold Coast, and Remote and Regional Western Australia.

New digital broadcasting licences were issued or converted as required by the schemes.

## Commercial television

As at 30 June 2013, there were 73 commercial television broadcasting licences.

During 2012–13, the ACMA renewed four commercial television broadcasting licences.

Under section 37A of the BSA, the ACMA must ensure that the number of BSB commercial television broadcasting licences that have the same licence area does not exceed three in number. In practice, this means that the ACMA cannot issue any additional commercial television broadcasting licences for the BSB.

### **Community television**

Community television broadcasting licences are allocated in the same manner as community radio broadcasting licences. During the reporting period, the ACMA renewed 59 community television broadcasting licences, all of which were remote Indigenous broadcasting services.

There were 69 community television broadcasting licences at 30 June 2013, of which 66 were remote Indigenous broadcasting services. The other three services were in Brisbane, Melbourne and Sydney.

### **Community television trial**

During 2012–13, the ACMA decided to make spectrum available for further community television trials in Adelaide and Perth for the period 1 July 2013 to 31 December 2013. These services operate under the open narrowcasting class licence, subject to a condition on the apparatus licence that they be used only to provide an open narrowcasting television service for community and educational non-profit purposes.

## **Telecommunications licensing**

### **Carrier licensing**

The ACMA administers the regulatory regime that is established by the Telecommunications Act. Under that Act, a carrier licence must be held by the owner of a telecommunications network unit (such as transmission lines or radiocommunication links) if that unit is to be used to supply a telecommunications service—for example, a telephone or internet service—to the public. This requirement applies unless the entity either:

- > enters into an arrangement by which a licensed carrier is nominated to have the responsibilities of a carrier in relation to those network units (a nominated carrier declaration)
- > is exempted from the requirement to hold a carrier licence
- > has a certificate entitling it to conduct a trial of its services or operations without holding a carrier licence (a trial certificate).

The ACMA granted 21 carrier licences in 2012–13, all within the statutory 20-day time frame. This is an increase on 2011–12, when 15 licences were issued. A licensed carrier can surrender its licence by providing a written notice to the ACMA—a total of seven carriers did so in 2012–13. In addition, no licensed carriers were deregistered by the Australian Securities and Investments Commission during 2012–13.

As at 30 June 2013, there were 201 licensed carriers in Australia.

The ACMA has issued 124 nominated carrier declarations from 1 July 1997. In the 12 months from 1 July 2012, the ACMA issued two nominated carrier declarations. Two nominated carrier declarations were revoked.

As at 30 June 2013, there were 71 nominated carrier declarations in force.

A complete list of carrier licences and nominated carrier declarations is provided at Appendix 4.

The ACMA issued two trial certificates during 2012–13, compared to five in the previous reporting period.

## Telecommunications numbering

### Numbering Plan administration

The ACMA is responsible for the Telecommunications Numbering Plan 1997, which sets out the framework for the numbering of carriage services in Australia and the use of numbers in connection with the supply of such services. The ACMA also manages the numbering resource and plans for new numbering developments in Australia.

The ACMA has undertaken an extensive review and consultation program about telephone numbering arrangements since 2010. This review has been a vital component of its approach to telecommunications reform and is its response to issues raised by consumers and industry through the ACMA's Numbering Advisory Committee. These issues reflect the deep changes in industry structures, service offerings and consumer behaviour that have occurred since the Numbering Plan was made.

The review's aim was to make the numbering resource more flexible, so that new technologies, uses and potential markets can be more readily accommodated as they emerge, and to remove artificial barriers to the efficient use of the resource.

In September 2012, the ACMA completed its consideration of submissions to the paper *Telephone numbering—Future directions*. This paper articulated the ACMA's medium- to long-term approach to numbering in Australia. It proposed 24 specific changes that would apply a managed evolutionary approach to increase the flexibility and efficiency of numbering arrangements and make pricing clearer for consumers.

Numbering changes outlined in *Telephone numbering—Future directions* that were implemented during 2012–13 included:

- > examining the numbering administration arrangements to ascertain the best way to provide sustainable numbering allocation services in the long term. The ACMA expects to make a decision on its preferred approach in early 2013–14. This will provide certainty for stakeholders and allow sufficient time for the consequential technical and regulatory changes to be made prior to the expiration of the ACMA's contract with Industry Number Management Service Ltd (INMS) in January 2015.

### Charging for calls from mobile phones to freephone and local rate numbers

One of the more significant issues under examination is the charging arrangements for calls from mobile phones to telephone numbers commencing with 18, 1800, 13 and 1300. These services are known as 'freephone' and 'local rate' services (FLRNs) and are commonly used by businesses to provide a single inbound number for their customers.

Calls from fixed phone services can be made to freephone numbers for free and to local rate numbers for the cost of a local call. But calls from mobile services to FLRNs are generally charged on a timed basis. This can lead to high costs for long calls, including those where the caller is placed on hold for extended periods.

The increasing proportion of consumers who use their mobile phone as their primary or sole communications service potentially means that more calls are being made to these numbers from mobile phones.

In December 2012, the ACMA released a discussion paper that set out the following objectives:

- > for the Numbering Plan to reflect changing consumer use of telecommunications services
- > for the numbering arrangements to reflect the legislative intent including the objects of the Numbering Plan
- > to improve price transparency for consumers
- > for these changes to be in effect by 1 January 2015.

The paper proposed two approaches for calls from mobile phones to FLRNs.

In May 2013, the ACMA sought comment on a draft variation to the Numbering Plan to make calls from mobile phones to freephone (18/1800) numbers free to the caller from 1 January 2015. A decision on the proposed variation is expected to be made by the ACMA early in 2013–14.

### Numbering Advisory Committee

The Numbering Advisory Committee (NAC) is a formally constituted advisory committee to the ACMA comprising representatives of the telecommunications industry, telecommunications users, community groups and government. The NAC provides advice and recommendations on issues related to the ACMA's numbering functions with the objective of improving the benefits to suppliers and users of carriage services and facilitating competition.

The NAC met twice during 2012–13. It provided advice on the Numbering Administration Project, as well as proposed changes to the Numbering Plan for short digit codes, freephone and local rate numbers, and changes to the numbers subject to Annual Numbering Charge (ANC).

During 2012–13, the ACMA undertook a review of the arrangements for the NAC. The NAC was re-established in June 2013.

### Number allocations register

The ACMA maintains a register of numbers allocated to carriage service providers (CSPs) and numbers that have been permanently transferred from one CSP to another. The information is contained in a database known as the Online Numbering System (NUMB). CSPs use the register to perform functions such as routing and billing and to apply, transfer and surrender numbers. It is used by the ACMA to administer the ANC.

### Numbering transactions

During 2012–13, the ACMA assessed 54 separate applications for numbers from 15 different CSPs. One CSP was allocated both geographic and other numbers. The most common number types allocated remains geographic and digital mobile numbers.

During 2012–13, the ACMA met its statutory requirements and KPIs by processing numbering applications within the 10-day statutory time frame. The time taken to process routine applications was approximately three working days, a decrease on the average of 4.2 working days for 2011–12. In 2012–13, the ACMA allocated:

- > 1,797,700 geographic numbers, less than the 2,664,600 geographic numbers allocated in 2011–12
- > 2,910,000 digital mobile numbers, less than the 6,400,000 digital mobile numbers allocated in 2011–12.

Table 12 shows the amount of numbers allocated by number type in 2012–13.

During 2012–13, the ACMA received six applications to surrender numbers from five CSPs. There were three permanent transfers of numbers between CSPs in 2012–13. Table 13 shows the numbers surrendered by number type and Table 14 shows the numbers transferred by number type. Some CSPs transfer or surrender multiple number types.

Table 12: Quantity of numbers allocated by number type during 2012–13

Type of number	CSPs allocated numbers	Quantity of numbers allocated
Geographic	10	1,797,700
Digital mobile	2	2,910,000
Mobile network codes	4	4
International signalling point code	1	1
Location independent communications service	1	10,000
<b>Total numbers allocated</b>		<b>4,717,705</b>

INMS is contracted to the ACMA to provide delegated services to industry for freephone (1800), local rate (13) and six- and eight-digit premium rate numbers. Services undertaken by INMS include number allocations, withdrawals, reservations and placements in quarantine. Table 15 shows the quantity of numbers allocated by INMS and Table 16 shows the quantity surrendered in 2012–13 by number type.

## Portability

Number portability enhances telecommunications competition and consumer convenience by enabling customers to keep their telephone number(s) when changing to a new CSP. Number portability is available for local, mobile, and freephone and local rate numbers.

The ACMA monitors the effectiveness of porting arrangements, including CSP compliance with the arrangements specified in the Numbering Plan and industry codes that set out the procedures for each type of number portability. The ACMA is able to register new and revised industry codes, which makes them enforceable under the Telecommunications Act.

In 2012–13, the ACMA continued to work with Communications Alliance and industry to identify regulatory issues that may emerge during rollout of the NBN. This included revising the Local Number Portability Code, as part of the periodic review process and also to consider any changes necessary for the NBN.

**Table 13: Quantity of numbers surrendered by number type during 2012–13**

Type of number	CSPs surrendering numbers	Quantity of numbers surrendered
Analog AMPS	1	3
Geographic	4	419,100
Digital mobile service	1	1,300,000
<b>Total numbers surrendered</b>		<b>1,719,103</b>

**Table 14: Quantity of numbers transferred by number type during 2012–13**

Type of number	CSPs transferring numbers	Quantity of numbers transferred
Geographic	3	1,557,100
<b>Total numbers transferred</b>		<b>1,557,100</b>

**Table 15: Quantity of numbers allocated by INMS by number type and digit length during 2012–13**

Type of number	Quantity of numbers allocated
Freephone and local rate (1800, 1300, 13)	27,308
Premium rate numbers (six- and eight-digit 19 numbers)	105
<b>Total numbers allocated</b>	<b>27,413</b>

**Table 16: Quantity of numbers surrendered by INMS by number type and digit length during 2012–13**

Type of number	Quantity of numbers surrendered
Freephone and local rate (1800, 1300, 13)	16,751
Premium rate numbers (six- and eight-digit 19 numbers)	345
<b>Total numbers surrendered</b>	<b>17,096</b>

Communications Alliance began consulting on a revision of the code on 11 June 2013, which is expected to lead to ACMA consideration of registration in the next reporting period.

In addition, Communications Alliance is undertaking a parallel review of possible future improvements, with recommendations on any improved industry arrangements to meet customers' porting needs to be made in the next reporting period.

The ACMA also receives and handles enquiries and complaints about number portability from industry and consumers, with 120 contacts in 2012–13.

Where appropriate, the ACMA may also grant an exemption from the number portability requirements. No exemptions from number portability were sought or granted in 2012–13.

### Pre-selection

CSPs are required to make pre-selection available on request for most standard telephone services. Pre-selection allows a certain basket of calls to be automatically routed to and carried by an alternative provider, regardless of which CSP is providing the local call and access service for that standard telephone service. Pre-selection includes national long-distance calls, international calls and mobile calls but not local calls.

The ACMA monitors the effectiveness of pre-selection arrangements, including arrangements specified in the Telecommunications Act, the industry code (C515: Pre-selection) and the pre-selection determinations.

Under the Telecommunications Act, the ACMA is able to exempt a carrier/CSP from the obligation to provide pre-selection. No exemptions were sought or granted during 2012–13.

Pre-selection is required to be provided for services supplied on the copper network and on fibre networks where the network operator also provides retail services. Regulatory changes in June 2012 removed the requirement to offer pre-selection on wireless services in specified circumstances, particularly on interim wireless services in new developments pending the rollout of fixed-line infrastructure. It also removed the requirement to offer pre-selection on services on wholesale-only, open-access fibre networks like the NBN for three years, pending a review of pre-selection.

## Revenue and fees

The ACMA is responsible for the efficient regulation and allocation of public resources such as telecommunications numbering and the radiofrequency spectrum. It also collects annual revenues through broadcasting, radiocommunications and telecommunications licence taxes, levies, fees and charges. The administration of taxes, levies, fees and charges plays a key role in the planning, allocation and use of public resources. These public resources are indispensable inputs to industry in the innovative and dynamic communications sector of the economy.

Where feasible under the applicable legislation, the ACMA sets fees, taxes and charges so they support the effective use of public resources. They also recover the costs of regulating the industry. In accordance with government cost-recovery policy and guidelines, and where it is cost-effective, the ACMA seeks to charge individuals or firms for the costs of providing the activity.

Revenue raised by the ACMA in taxes, charges, levies and other revenue is shown in tables 17 to 20.

## Stakeholder engagement

### Broadcasting licence fee information sessions

In September and October 2012, the ACMA conducted information sessions for commercial television and radio broadcasters around Australia. The sessions were held to help broadcasters meet their obligations under sections 205B and 205C of the BSA, including introducing a new online system for lodging returns (70 per cent of the industry used the system to lodge returns in 2012–13). The BLF system was developed by the ACMA with broadcasters’ input.

### Telecommunications information sessions

In August and September 2012, the ACMA conducted information sessions for telecommunications carriers throughout Australia. These sessions helped carriers to understand the legislative requirements for eligible revenue reporting and funding arrangements under the universal service regime.

**Table 17: Resource taxes**

Description	Revenue in 2011–12 (\$m)	Revenue in 2012–13 (\$m)
Spectrum auctions	1.780	1,481.653
Apparatus auctions	0.044	0.064
Number auctions	1.738	1.660
Annual numbering charge	60.000	60.000
Apparatus licence tax	146.048	118.988
Broadcasting licence fees and datacasting charge	231.191	167.386
<b>Total taxes</b>	<b>440.801</b>	<b>1,829.751</b>

**Table 18: Cost recovery charges**

Description	Revenue in 2011–12 (\$m)	Revenue in 2012–13 (\$m)
Annual carrier licence charge	38.054	38.885
Spectrum licence tax	0.450	0.321
Fee for service charges	2.621	3.122
Do Not Call Register charges	2.896	3.615
<b>Total charges</b>	<b>44.021</b>	<b>45.943</b>

**Table 19: Industry levies**

Description	Revenue in 2011–12 (\$m)	Revenue in 2012–13 (\$m)
USO levy	144.929	145.128
NRS levy	15.975	0.197
<b>Total levies</b>	<b>160.904</b>	<b>145.325</b>

**Table 20: Other administered revenue**

Description	Revenue in 2011–12 (\$m)	Revenue in 2012–13 (\$m)
Fines and penalties	0.332	0.559
Other	0.315	0.469
<b>Total other administered revenue</b>	<b>0.647</b>	<b>1.028</b>

### Telecommunications services funding

In 2011, the government announced that it had signed an agreement with Telstra for basic universal telecommunication service outcomes during and after the rollout of the NBN. Public policy reforms to support the transition to the NBN included establishing the Telecommunications Universal Service Management Agency (TUSMA) under the *Telecommunications Universal Service Management Agency Act 2012* (TUSMA Act). TUSMA commenced operations from 1 July 2012 to deliver the government's public policy objectives in the telecommunications sector, including giving all Australians reasonable access to a standard telephone service and payphones (the universal service obligation or USO) and managing emergency call-handling and the National Relay Service (NRS).

During the reporting period, the ACMA provided extensive advice and assistance to DBCDE and TUSMA to set up the legislative, policy and procedural arrangements for funding these outcomes. The funding of these telecommunications services and TUSMA's administrative costs is provided by the government, with the remainder shared by a levy on telecommunications carriers that earn above \$25 million. Under the TUSMA Act, the ACMA has an ongoing statutory role to determine and collect levies based on the minister's determination of the amount to be funded by industry.

The levies to fund the USO for 2011–12 were calculated under the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (TCPSS Act). For subsequent periods, the levy to fund a telecommunications service—the Telecommunications Industry Levy (TIL)—will be calculated under the TUSMA Act, replacing the current USO and NRS levy schemes. The first TIL payable by industry will be based on the 2011–12 eligible revenue assurance assessment made by the ACMA.

On 28 May 2012, the ACMA provided the USO subsidies advice to the minister in response to his direction of 24 February 2012. On 12 June 2012, the minister set the aggregate USO subsidy for 2011–12 at \$145,076,237. This is the same amount that has applied since 2007–08.

Telstra, as the universal service provider, was eligible to submit a claim for the cost of providing the USO up to the amount of the universal service subsidy for the 2011–12 claim period. Telstra submitted a claim for \$145,076,237 for the period. The claim amount was consistent with the total subsidy set by the minister.

### Eligible revenue assessment

Any participating person holding a telecommunications carrier licence for any time during a financial year is required to submit an eligible revenue return so that the ACMA may determine each carrier's eligible revenue. Carriers that earn revenue below \$25 million during a financial year and submit an eligible statutory declaration to the ACMA by 31 October following that year are not required to submit a return and are exempt from levies and the annual carrier licence charge. For the 2011–12 period, participating persons were required to lodge returns with the ACMA by 31 October 2012. The ACMA made the written assessment of participating persons' eligible revenue for the 2011–12 eligible revenue period on 9 May 2013.

The primary function of the 2011–12 eligible revenue process is to determine the contribution that each participating person makes to the cost of providing the USO and NRS, based on its proportion of total industry eligible revenue. The eligible revenue process is also used to determine each participating person's contribution to annual carrier licence charges. For 2011–12 and previous periods, eligible revenue has been calculated as set out in the *Telecommunications Universal Service Obligation (Eligible Revenue) Determination 2003* made under the TCPSS Act.

The ACMA's written assessment of each participating person's eligible revenue for 2011–12 will be used to determine the TIL and annual carrier licence charge for each participating person for that period. The TIL for this period will be capped for non-Telstra carriers in accordance with a government commitment announced on 23 June 2012. Non-Telstra participating persons will only have to pay the same amount (in total) of final year USO and NRS levies.

For 2012–13 and future periods, eligible revenue is required to be reported and assessed under the TUSMA Act. The ACMA undertook a significant body of work during 2012–13 to make the Telecommunications Universal Service Management Agency (Eligible Revenue) Determination 2013. This instrument, registered on 28 June 2013, sets out how eligible revenue will be calculated under that Act. This work involved extensive consultation with industry and other stakeholders, including on new NBN transactions and improving information on the calculation of eligible revenue.

### **Annual carrier licence charges**

Annual carrier licence charges are imposed under the *Telecommunications (Carrier Licence Charges Act) 1997* on participating carriers so that the ACMA may recover the cost to it, the ACCC and the Australian Government of regulating the telecommunications industry. The total charge is allocated to participating carriers based on their eligible revenue for the previous eligible period as determined by the eligible revenue assessment.

In 2012–13, the total annual carrier licence charge was \$38.885 million.

### **Do Not Call Register access fees and cost recovery**

The telemarketing and fax marketing industry contributes to the cost of operating and maintaining the Do Not Call Register by paying subscription fees determined by the ACMA on a cost recovery basis. During the reporting period, the annual subscription fees ranged from \$79 (to check or 'wash' up to 20,000 numbers against the register) to \$90,000 (to wash up to 100 million numbers). There is also a subscription type that allows telemarketers to wash up to 500 numbers each year at no cost.

The cost recovery arrangements for the register are based on 'fee-for-service' and do not include the costs to establish the register or the ACMA's regulatory costs associated with monitoring and enforcing compliance with the register.

In 2012–13, the total revenue from Do Not Call Register cost recovery charges was \$3.615 million.

### **Numbering charges**

On behalf of the Australian Government, the ACMA collects a set amount of revenue each year from CSPs that hold telephone numbers. The ACMA collects this revenue through the annual numbering charge (ANC). The ANC revenue target is set by the government through the Federal Budget. As was the case in previous years, the ANC revenue target for 2012–13 was \$60 million.

The ACMA administers the process in accordance with the Telecommunications Act, the *Telecommunications (Numbering Charges) Act 1997* and a series of four determinations made by the ACMA under those Acts. The determinations establish key parameters of the process (such as the census date discussed below and the formula used to ascertain the amounts of charge to be applied to particular numbers).

The determinations under which the numbering charge process is administered are:

- > the Imposition of Annual Charge – Date Determination, which sets the date on which charges are imposed (the census date)
- > the Telecommunications (Due Date for Annual Charge) Determination 1999, which sets the due date for payment of charges
- > the Telecommunications (Annual Numbering Charge – Late Payment Penalty) Determination 2000, which sets out rules for the imposition and remission of late payment penalties
- > the Telecommunications (Annual Charge) Determination 2007 (No. 2), which sets the formula used to ascertain the amounts of annual charge (this determination does not set out the actual amounts to be charged).

CSPs are liable for the charges they incur for the numbers they hold on the census date. The census date is in April with the exact date determined by the ACMA each year. The census date for 2012–13 was 7 April 2013. To enable the ACMA to determine the quantity of numbers held by each CSP on the census date, an embargo on the surrender of most numbers commences 15 working days prior to the census date each year. In 2012–13, the embargo commenced on 14 March 2013.

### Amount of charge

The base number charge for 2012–13 was \$0.6602585277. Employing the opportunity-cost methodology applied in previous years, nine-digit numbers were charged at \$6.602585277, eight-digit numbers at \$66.02585277 and so on. Three- and four-digit numbers were charged at \$100,000, the maximum rate allowable under the Telecommunications (Numbering Charges) Act.

Numbers used for incoming-only international services, internal network services and testing services were subject to a reduced rate of charge. Geographic numbers allocated to a CSP for the purposes of providing a standard telephone service to a customer are exempt from the charge.

At 30 June 2013, the ACMA had received \$59,843,189.92 million of the \$60 million revenue target. The amounts outstanding for each CSP are shown in Table 21.

### Number auctions

In 2004, the smartnumbers auction system was introduced to allocate certain FLRNs—13, 1300 and 1800 numbers. An auction system is an efficient way to allocate freephone and local rate numbers that are likely to be highly valued by industry, government or the community sector. Winning bidders for smartnumbers are entitled to the enhanced rights of use (EROU) to the number, including the ability to trade or lease the rights to the smartnumber. The winning bidder may retain the EROU to a smartnumber for up to three years without an active service in place.

During 2012–13, the ACMA improved the customer experience for smartnumbers users by adding five short videos to the smartnumbers website. The videos take new and existing users through each of the steps—from searching for a number to updating the rights of use to a number won at auction. The videos have benefited users and the ACMA, and led to a reduced number of calls and emails to the smartnumbers hotline.

Auctions for smartnumbers are generally held fortnightly. In 2012–13, the ACMA sold 4,479 smartnumbers and received \$1,683,489 in revenue, in contrast to the \$1,738,225 in revenue raised from the sale of 4,988 smartnumbers in 2011–12. The ACMA continued to meet its KPIs for smartnumbers auctions by regularly conducting auctions.

### Apparatus licence taxes

The ACMA uses taxes on the issue of radiocommunications apparatus licences to support the efficient use of spectrum and recover the indirect costs of spectrum management. The tax is calculated by a formula that makes fees determinate, consistent, equitable and transparent. The formula encourages efficiency by making taxes higher in congested locations and spectrum bands, making taxes proportional to the bandwidth and giving discounts for low power.

In 2013, the CPI adjustment of 1.2 per cent, reflecting price changes from July 2011 to June 2012, applied to all licence taxes except for fixed services operating below 960 MHz in remote density areas.

Table 21: Annual numbering charge amounts outstanding at 30 June 2013

CSP	Amount outstanding (\$)
CallText Pty Ltd	264.10
Data Channel Australia Pty Limited	462.18
Flow Communications Pty Limited	35.65
ISPOne Pty Ltd	44,848.06
mBlox Pty Ltd	7,923.10
OpenMarket Pty Ltd	9,309.65
Dusfir Consulting Pty Ltd	667.52
SAP Australia (formerly Sybase Australia Pty Ltd)	66,554.06
Voicetek Pty Ltd	6,602.59
Westnet Pty Ltd	20,143.17
<b>Total</b>	<b>\$156,810.08</b>

*Note: Does not include late payment penalties that apply after 15 June 2013, the due date for payment.*

## Spectrum licence tax

The spectrum licence tax is imposed on all holders of spectrum licences at 11 October each year. The total amount of tax on each band is disclosed before the allocation and does not change over the life of the licence. The total amount of tax is split between licensees in each band based on the bandwidth and the population covered by their licences. In 2012–13, the ACMA collected a total of \$321,327 in spectrum licence tax.

## Broadcasting licence fees and datacasting charge

The ACMA collects broadcasting licence fees (BLF) from commercial radio and television broadcasting licence-holders under the *Television Licence Fees Act 1964* and the *Radio Licence Fees Act 1964*. Supporting documentation is required under sections 205B and 205C of the BSA. Fees are calculated as a percentage of the gross earnings of the licence-holders for each broadcasting licence fee period, less any rebates that apply.

Under the *Datacasting Charge (Imposition) Act 1998*, a datacasting charge is collected from commercial television broadcasting licensees who also hold a transmitter licence issued under the Radiocommunications Act and use the transmitter licence to provide a datacasting service(s) authorised by a licence under Schedule 6 of the BSA. During the current financial year, the ACMA collected \$0.507 million from datacasting services for the 2011–12 BLF return period.

The ACMA has estimated that a total of \$173.925 million in broadcasting licence fees will be due and payable for the 2012–13 BLF period. This amount is due for payment by 31 December 2013.

In December 2012, television broadcasters paid a total of \$149.150 million in broadcasting licence fees, and radio broadcasters paid a total of \$24.395 million in broadcasting licence fees for the 2011–12 BLF period.

Table 22 shows total broadcasting licence fees collected by the ACMA in the last three financial years.

## Regional Equalisation Plan

The Australian Government introduced a Regional Equalisation Plan (REP) rebate scheme in 2000–01 to assist the rollout of digital television broadcasting services to regional and remote Australia. REP rebates against annual licence fees administered by the ACMA and, where necessary, supplementary grants administered by DBCDE, are claimable by broadcasters based on their area's progress in rolling out digital television services, with the scheme ending on 31 December 2017. Commercial television broadcasters claimed total REP rebates of \$2.3 million in 2012–13.

## Broadcasting licence fee rebate

On 22 March 2012, the *Television Licence Fees Amendment Regulations 2012* (No. 1) were registered.

During the 2011–12 financial year, the regulations were amended and increased the amount of licence fee rebate for eligible television broadcasting licensees for the accounting period ending in 2012 from 25 to 50 per cent. This represented an effective six-month extension of the rebates introduced in 2010.

Consequent amendments to the regulations during the 2012–13 financial year extended the 50 per cent rebate permanently from the 2012–13 broadcasting period onwards. The *Television Licence Fees Amendment Act 2013*, registered on 4 April 2013, amends the *Television Licence Fees Act* to replace these temporary rebates and provide for a permanent reduction in licence fees payable by commercial television broadcasters by 50 per cent, to a maximum 4.5 per cent of gross earnings, effective from the 2012–13 broadcasting period.

To be eligible for the rebate for the 2011–12 BLF period, commercial television broadcasting licensees must have complied with the Australian Content Standard. Commercial television broadcasters claimed a total of \$143.4 million in broadcasting licence fee rebates in the 2012–13 financial year.

Table 22: Broadcasting licence fees

	Number of licences			Total (\$m)		
	2010–11	2011–12	2012–13	2010–11	2011–12	2012–13
Radio licence fees	273	273	273	21.4	25.1	24.4
TV licence fees obligation	71	68	69	281.2	311.4	294.8
Less digital TV conversion rebate				4.1	3.8	2.3
Less broadcasting licence fee rebate				45.7	153.8	143.4
TV licence fees				231.4	153.8	149.2

## Technical regulation and related matters

The ACMA works closely with industry to foster self-regulation and supports it to develop technical standards that it may mandate, taking into consideration its obligations under the Telecommunications Act, the Radiocommunications Act and the BSA.

To achieve desired policy outcomes, the ACMA can mandate technical standards that are predominantly given regulatory effect through compliance and labelling obligations placed on all suppliers of electrical and electronic equipment, including telecommunications and radiocommunications devices.

The Technical Advisory Group (TAG) is a consultative forum established and chaired by the ACMA, which includes representatives of consumer electronics suppliers, standards development organisations and ACMA staff from technical regulation areas. The TAG meets on an ad hoc basis as agreed by the members, when there are identified matters that require discussion by the group. The TAG met in April 2013 to discuss quality of service issues for standard telephone services delivered using IP-based networks.

The TAG discussions are complemented by discussions held under the auspices of the Technical Working Group (TWG). The TWG is a standing working group of TAG and comprises carriers, standards development organisations, testing laboratories, supplier representatives and independent consultants from a range of compliance management areas. TWG meetings are held to discuss issues raised by the ACMA or industry, or at the request of the TAG. The TWG met in October 2012 to discuss the ACMA's review of the Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice.

In 2012–13, the ACMA handled 3,529 written and 2,912 telephone enquiries about its technical standards and compliance and labelling arrangements.

## Regulatory arrangements—technical standards and labelling notices

The ACMA administers mandatory regulatory arrangements that require specified items of equipment to meet these industry-developed standards.

Under these arrangements, the ACMA may require suppliers—Australian manufacturers, importers or their agents—to:

- > ensure equipment subject to mandatory regulatory arrangements complies with technical standards
- > apply compliance labels to those items where appropriate
- > keep appropriate records.

The ACMA administers five regulatory arrangements, as follows:

- > telecommunications regulatory arrangements, which specify requirements for telecommunications equipment and cabling
- > radiocommunications regulatory arrangements, which specify requirements for radiocommunications transmitters
- > electromagnetic compatibility (EMC) regulatory arrangements, which specify electromagnetic emission requirements for electrical and electronic devices to limit unintended radiation
- > electromagnetic energy (EME) regulatory arrangements, which set health exposure limits on emissions from radiocommunications transmitters
- > broadcasting regulatory arrangements, which can specify technical standards for specified digital broadcasting equipment and domestic digital receivers.

## Labelling notices

The ACMA's four labelling notices require suppliers to apply a regulatory compliance label to specified devices to illustrate compliance with the requirements of the relevant notice.<sup>6</sup> Historically, there have been three compliance marks—C-Tick, A-Tick and the Regulatory Compliance Mark (RCM)—that are used in particular instances to demonstrate compliance with the requirements of the applicable technical regulatory arrangements. The use of three separate compliance marks reflects the historical distinction between different sectors in the communications industry.

In its review of the labelling requirements, the ACMA recognised that the existence of multiple (and mandatory) regulatory marks was inconsistent with changes in the technical and commercial environment. In addition, multiple compliance labels imposed additional compliance costs on suppliers of communications and IT equipment. Following extensive industry consultation, the ACMA decided to update the labelling arrangements to align with the evolution in technology and markets.

### Introduction of consolidated compliance mark

Commencing 1 March 2013, the ACMA consolidated the compliance marks into a single RCM—covering telecommunications, radiocommunications, EMC and EME. The RCM also indicates compliance with electrical equipment safety requirements under Australian state and territory legislation. Implementing a consolidated compliance mark will produce long-term industry efficiency benefits, including simpler regulatory arrangements and less time needed for industry to understand and comply.

The ACMA has worked closely with state and territory electrical equipment safety regulators to align the consolidated compliance mark proposal with the implementation of new electrical equipment safety arrangements undertaken under the auspices of the Electrical Regulatory Authorities Council (ERAC). Under the new electrical equipment safety system (EESS), suppliers of in-scope electrical equipment are also required to label products with the RCM.

The RCM commencement date aligns with that of the EESS. The ACMA arrangements have immediate effect for new suppliers and a transition period of three years for current suppliers.

### Review of telecommunications labelling notice

In 2012–13, the ACMA commenced a review of the Telecommunications (Customer Equipment and Customer Cabling) Labelling Notice 2001 (the TLN). The ACMA is undertaking this activity to review the definitions and underlying concepts included in the TLN, and how those definitions and concepts apply to the contemporary communications environment.

The TLN review will consider the impact of changes in the supply market for communications products, changes in technology (including the emergence of equipment that operates across multiple platforms and technologies) and the rollout of optical-fibre infrastructure under the NBN.

### Technical standards, codes and guidelines

The ACMA participates in Communications Alliance reference panels, working committees and Standards Australia technical committees to ensure that technical standards and guidelines that are adopted or referenced in its regulatory arrangements meet the minimum necessary requirements for technical regulation.

6 The four labelling notices specify requirements for telecommunications, radiocommunications, EMC and EME. There is no labelling notice under the BSA for broadcasting equipment and domestic digital receivers.

The ACMA only mandates a standard that is suitable for adoption under the ACMA heads of power for the relevant arrangement—for example, health and safety, radiofrequency interference, network integrity and emergency call access.<sup>7</sup> These are identified within the various Acts under which a standard is made. The ACMA may also choose to determine a standard in response to a ministerial direction on the general exercise of its powers in relation to broadcasting, content and datacasting functions, in accordance with section 14 of the ACMA Act.

During the reporting period, the ACMA participated in various meetings with industry representative bodies, providing input to the creation and updating of industry standards, codes and guidelines. The ACMA also attended exhibitions and tradeshows to promote awareness of the regulatory arrangements.

### **Telecommunications standards**

The ACMA's mandatory technical standards for customer equipment are underpinned by technical standards developed by Communications Alliance and Standards Australia.

Communications Alliance is the peak standards development organisation for telecommunications standards other than safety standards, which are developed by Standards Australia. Both undertake this work using an open and consultative process that includes comprehensive public consultation. The ACMA participates in Communications Alliance and Standards Australia development processes to ensure technical standards meet minimum regulatory requirements.

During 2012–13, the ACMA received four submissions from Communications Alliance for changes to technical standards referenced in the ACMA's regulatory arrangements. The relevant ACMA technical standards were updated accordingly to reference the revised Communications Alliance arrangements.

### **Radiocommunications standards**

In managing the supply of radiocommunications devices, the ACMA engages with the radiocommunications industry through its involvement with Standards Australia working committees RC4 and RC6 and other industry forums. Standards Australia is the national standards development organisation and undertakes its work through an open process that includes comprehensive public consultation.

The ACMA mandates appropriate aspects of industry radiocommunications standards by way of standards made under section 162 of the Radiocommunications Act. The ACMA's radiocommunications standards may adopt the industry standard in whole or in part and include specified variations for Australian conditions as required. With the exception of the Radiocommunications (Short Range Devices) Standard 2004, all other ACMA radiocommunications device standards adopt a fixed version of the applicable industry standard and, when a new version is published, the ACMA standard must be amended to adopt it. Where an amendment is made to these industry standards, the ACMA standards automatically adopt the amendments.

The requirement to label devices scoped by these standards is given effect through the Radiocommunications Devices (Compliance Labelling) Notice 2003.

In 2012–13, the ACMA made one new radiocommunications technical standard and also supported an amendment to an industry standard referenced in an ACMA section 162 standard.

The Radiocommunications (Short Range Devices) Standard 2004 automatically adopts the latest published version of the applicable industry standard AS/NZS 4268 for these devices. The Radiocommunications (Short Range Devices) Standard 2004 was amended in February 2013 to better differentiate between Australian and New Zealand requirements in AS/NZS 4268.

<sup>7</sup> In April 2011, the Telecommunications Act was amended to remove the 'heads of power' limitations on the making of technical standards for customer equipment or customer cabling intended for connection to a superfast carriage network.

In August 2012, the ACMA made the Radiocommunications (118 MHz to 137 MHz Amplitude Modulated Equipment – Aeronautical Radio Service) Standard 2012 to reference the latest version of the industry standard AS/NZS 4583.

## Broadcasting technical standards – digital television

The ACMA consults with industry and helps to develop appropriate technical standards through Standards Australia processes.

Where appropriate, the ACMA may determine technical standards for specified broadcast transmitters and broadcast reception equipment operating in digital mode.

To date, the ACMA has exercised its powers to determine two technical standards:

- > the Broadcasting Services (Digital Television Format – Audio Component – Transmissions in SDTV Digital Mode) Technical Standard 2007
- > the Broadcasting and Datacasting Services (Parental Lock) Technical Standard 2010.

The audio component standard was determined in April 2007. This standard establishes a minimum format requirement for the audio component of television programs and datacasting services transmitted in standard definition digital mode.

The parental lock standard was determined in July 2010. Under this standard, parental lock has been a mandatory feature in specified models of digital television reception equipment since 4 February 2011.

The industry technical standards for digital television transmission and reception equipment have been under review by the Standards Australia working committees. The standards are expected to be finalised late in 2013. The ACMA's participation in this review has provided the opportunity to reference the mandatory parental lock standard within the voluntary industry standard. This aligns the two standards and makes industry participants using the industry standard aware of the obligation to provide the parental lock function in receivers.

For further information on potential future standards activity, see *New technology* on page 43.

## Digital television codes

The ACMA may register industry codes that deal with activities associated with digital broadcasting services. It also has a reserve power to make industry standards where no code has been developed or where an industry code is found to be deficient. Industry codes must apply to an identified section of the industry that is engaged in a specified activity as defined within Part 9B of the BSA.

The ACMA has yet to exercise its power to request an industry code under Part 9B.

## Electromagnetic energy standards

The ACMA's EME health exposure regulatory arrangement requires a wide range of radio transmitter installations and portable equipment, such as mobile phone handsets, to comply with EME limits set out in a standard published by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). The ARPANSA standard is based on guidelines from the internationally recognised International Commission for Non-Ionizing Radiation Protection (ICNIRP), which has been adopted by many other countries. The EME arrangement addresses possible adverse health effects without unnecessarily compromising the benefits that radiocommunications technologies bring to modern living.

To comply with the EME exposure limits, licensees need to have their transmitter installations assessed, and manufacturers and importers of mobile phones and similar equipment must have their products tested for compliance before supply is permitted to the Australian market. Significant penalties apply for breaches of the EME arrangement. In April 2013, the ACMA amended the Radiocommunications Licence Conditions (Apparatus Licence) Determination 2003 to reference the latest version of the Standards Australia measurement technical standard (AS/NZS 2772.2).

## Cabling regulation

Under the Telecommunications Act, the ACMA has regulatory powers to set safety and network integrity standards for cabling installation practices.

The ACMA's approach to regulating customer cabling includes:

- > overseeing the industry-managed cabling registration scheme
- > monitoring and enforcing compliance with cabling regulatory requirements
- > supporting greater cabling industry self-regulation
- > promoting consumer and industry awareness of regulatory arrangements of customer cabling.

### Cabling registration scheme

Cabling Provider Rules (CPRs) are based on an industry-managed national registration system. The ACMA currently accredits five industry bodies to be registrars under CPRs. These registrars issue registrations to cabling providers.

At 30 June 2013, there were 69,155 registered cablers. The ACMA continues to monitor the performance of registrars in meeting their contractual obligation to provide registration services to the cabling industry. It also works with registrars to improve reporting arrangements and monitor service delivery levels across the industry through quarterly meetings of the ACMA's Registrars' Coordinating Committee (RCC). The ACMA also meets quarterly with the Cabling Advisory Group (CAG) on technical issues and related cabling policy. The CAG includes a wide range of representatives from the cabling industry.

### Installation of specialised customer cabling

Under amendments to the ACMA's customer cabling regulatory arrangements that commenced on 1 July 2012, registered cabling providers are now required to have the necessary skills to install specialised higher speed cabling in customer premises. This requirement has two primary objectives:

- > to make sure that specialised cabling is installed in accordance with safe installation practices, including appropriate occupational health and safety practices
- > to give end users the full benefits of the NBN and other high-speed carriage networks.

Existing cabling providers will have a two-year transition period until 30 June 2014 in which to complete the appropriate competencies.

A new industry document, *Pathways to ACMA Cabling Provider Rules—cabler registration*, which helps prospective cabling providers by identifying the available training pathways to achieve the required cabling competencies, was published in September 2012.

### Review of cabling wiring rules

A review of AS/CA S009: *Installation requirements for customer cabling (Wiring Rules)* by Communications Alliance was completed in February 2013. The new revised wiring rules (AS/CA S009:2013) replaced the current AS/CA S009:2006 on 1 July 2013. AS/CA S009 is the industry publication containing the installation practices for providers installing customer cabling that connects to a telecommunications network. Cabling providers registered under the ACMA's cabling regulatory arrangements are required to comply with the Wiring Rules.

### Review of types of cabling work

The Telecommunications (Types of Cabling Work) Declaration 1997 identifies the categories of cabling work subject to the ACMA's Cabling Provider Rules. A review of the Types of Cabling Work Declaration commenced in March 2013. The review proposes changes to the declaration to:

- > clarify the distinction between cabling work performed in the 'connection' of plug-and-play pre-terminated cords by end users and cabling work performed in the 'installation' of pre-terminated cords by cabling providers
- > exclude from the regulatory arrangements certain types of cabling work by professional installers related to home entertainment and home theatre systems.

It is expected that a revised Types of Cabling Work Declaration will be presented to the Authority for making in the third quarter of 2013.

### Quality of service issues for standard telephone services

Quality of service (QoS) refers to the technical aspects of a voice connection. While QoS has historically been regulated by means of technical specifications for circuit-switched voice telephony, voice over internet protocol (VoIP) is currently managed by non-regulatory means.

The ACMA is assessing the current regulatory mechanisms to determine whether they provide sufficient safeguards for the provision of voice telephony services delivered using IP-based networks. While the current regulation was developed primarily to regulate voice-only networks, the contemporary technical, operational and commercial environment is far more complex.

As part of this assessment, in the reporting period the ACMA initiated consultation with consumer, industry and government stakeholders on the issue of QoS, including under the auspices of the ACMA's Technical Advisory Group. The outcomes of these discussions will help to develop an appropriate strategy for managing QoS issues in the future.

### **Certification bodies**

Under the Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001, a certification body may issue a statement to a supplier certifying that an item of customer equipment or cabling meets a particular section 376 technical standard. The ACMA has established guidelines for the use of certification bodies. A certification body is expected to take these guidelines into account when making decisions to issue written statements certifying that customer equipment or customer cabling complies with applicable section 376 technical standards.

During 2012–13, the ACMA determined four entities to be certification bodies for the purposes of Division 7 of Part 21 of the Act. Details of the entities are on the ACMA website.

## **Telecommunications infrastructure regulation**

### **Carriers' rights and obligations**

Schedule 3 of the Telecommunications Act gives carriers the power to inspect land to determine whether it is suitable for their purposes, install certain facilities on the land and maintain a facility that is situated on the land.

The Telecommunications (Low-impact Facilities) Determination 1997 specifies the types of facilities (known as 'low-impact' facilities) that carriers are entitled to install without seeking state, territory or local government planning approval. Examples of low-impact facilities include small radiocommunications antennae and dishes that are erected on existing towers or buildings and underground cables.

The installation of telecommunications facilities that fall outside the scope of the Low-impact Facilities Determination are likely to require approval by relevant state, territory or local planning authorities. In exercising their powers to inspect land, install certain facilities and maintain infrastructure, carriers must comply with conditions specified in the Telecommunications Code of Practice 1997.

Under the code, carriers must notify the owner and occupier of the land about their activities, ensure as little detriment and damage as possible is caused by the activity and restore the land to a condition similar to how it was before the activity commenced.

The ACMA may investigate suspected breaches of the Telecommunications Act, the code of practice and industry codes registered by the ACMA.

## Case study

# Landowner rights in telco installations

In 2012–13, the ACMA issued remedial directions to a telecommunications carrier for multiple breaches of Schedule 3 of the Telecommunications Act. The action was a reminder to carriers to discharge their obligations under the law when installing facilities on public and private land.

An extensive ACMA investigation found that the carrier contravened its licence conditions on 45 occasions between 2008 and 2010 when rolling out network infrastructure in the Port Macquarie area.

Breaches included not restoring land to its previous condition, failing to protect the safety of people during installation and not taking reasonable steps to protect the environment. The investigation also found that the carrier had installed facilities across 39 sites that were not authorised under the Act. Such facilities are subject to local government regulation under relevant state and territory planning laws.

The number and nature of these contraventions were serious. However, the carrier had undertaken extensive 'make good' works to rectify each of the problems it had caused in Port Macquarie.

Given this, the ACMA decided that the most appropriate course under the circumstances was to issue specific remedial directions requiring the carrier to undertake a range of activities designed to prevent further contraventions.

This issue has a broader message for the telecommunications industry about the need to put appropriate plans in place to manage issues of infrastructure installation.



## Enquiries and complaints about carriers' rights and obligations

In 2012–13, the ACMA received one complaint about matters covered by Schedule 3 of the Telecommunications Act, and advice was provided to the complainant. The ACMA also received 75 enquiries from local councils, solicitors, landowners and members of the public about Schedule 3 of the Telecommunications Act and the code of practice.

## Mobile phone base station deployment

The planning and installation of mobile phone network infrastructure is subject to the requirements imposed by Industry Code C564:2011 *Mobile Phone Base Station Deployment*. The code is registered by the ACMA under Part 6 of the Telecommunications Act and came into effect on 1 July 2012. The code was developed by Communications Alliance following a review of the previous code, C564:2004 *Deployment of Mobile Phone Network Infrastructure*.

Under the code, industry must take a consultative and precautionary approach to the deployment of mobile phone network infrastructure. The code requires carriers to consult with local councils and the community on the placement of certain mobile phone facilities, typically low-impact facilities. People who are not satisfied that a carrier has complied with the code may make a complaint to the ACMA. In accordance with Part 26 of the Telecommunications Act, the ACMA may do one of the following:

- > decide to investigate the matter
- > make preliminary enquiries of the respondent to decide whether or not it should investigate the matter
- > decide not to investigate the matter.

The criteria to consider are those set out in the code and in Schedule 3 to the Telecommunications Act. The ACMA has the power to issue formal warnings and directions to carriers to comply with the code. It does not have the power to make a carrier relocate its facility.

In 2012–13, the ACMA received three complaints and 25 enquiries about the industry code. Of the complaints received, the ACMA considered that the matters raised were not sufficient to warrant investigation. Carriers conducted an estimated 4,109 consultations under the code during this period.

The ACMA promotes a common understanding and interpretation of the requirements of the code through feedback to individual carriers and operational practices meetings. These meetings are attended by representatives from Telstra, Optus and Vodafone Hutchinson Australia, and from the Mobile Carriers Forum (MCF)—an industry group representing the mobile phone carriers in Australia.

## Submarine cable protection

Submarine cables carry the bulk of Australia's international voice and data traffic and contribute significantly to the Australian economy.

Schedule 3A of the Telecommunications Act permits the ACMA to declare protection zones over nationally significant cables and to prohibit or restrict activities that pose a risk of damaging cables in these zones. The legislation establishes offences for damaging a cable or for breaching prohibitions and restrictions, and creates penalties for these offences. Australia currently has three submarine cable protection zones—two off the Sydney coast and one off the Perth coast.

No new submarine cable protection zones were considered during 2012–13.

The legislation also provides for a permit regime that requires carriers to obtain a permit from the ACMA to install a new submarine cable within and outside a protection zone. This regime provides for more consistent and efficient cable planning and encourages the co-location of new cables in existing protection zones.

While one application for a submarine cable non-protection zone installation permit was received during 2012–13, no installation permits were granted during this period. One request for an extension to a protection zone permit was received, which was granted by the ACMA on 13 June 2013.

## Compliance and enforcement

The ACMA works with the communications and media industries to foster compliance with legislation, codes, licence conditions and other regulatory instruments. The ACMA also registers and monitors compliance with industry codes developed by the communications industry.

The ACMA applies a principles- and risk-based approach to compliance and enforcement that generally:

- > recognises the capacity of regulated entities to become compliant
- > reflects the importance of cooperative approaches using, among other things, education and awareness to achieve voluntary compliance, but also recognising that a range of escalated compliance actions are available, as demonstrated in the examples below
- > matches enforcement responses so they are proportional to the seriousness of the non-compliance and takes account of broader compliance objectives
- > maintains flexibility and preparedness to escalate and de-escalate compliance action.

This approach supports and enables the effective and efficient achievement of compliance objectives so that any regulatory burden imposed by the ACMA's compliance activities is the minimum necessary to achieve the intended compliance outcome.

The following section discusses compliance in the major areas of:

- > radiocommunications
- > cabling and labelling
- > telecommunications
- > unsolicited communications (including telemarketing and spam)
- > broadcasting
- > online content
- > interactive gambling.

## Radiocommunications compliance

The ACMA manages compliance with the Radiocommunications Act and subordinate instruments relating to the operation of radiocommunications transmitters and the technical regulation of equipment.

In the course of 2012–13, the ACMA introduced its new risk-based compliance approach to the technical regulation of equipment. Figure 5 shows how intelligence-gathering and risk analysis enable the ACMA to set strategic compliance priorities that are aligned with regulatory objectives. This approach comprises the following steps:

- > **Gather**—the ACMA collects raw data on non-compliance with technical regulations through complaints received, research and investigative methods.
- > **Analyse**—the data is analysed to determine the risk ranking (high/medium/low) of each issue and assess the impact on the following parameters:
  - > safety and life
  - > consumers and the public
  - > spectrum management
  - > government regulation
  - > commerce and the economy.

This risk assessment methodology is used to determine the priority compliance areas.

- > **Respond**—the ACMA responds to the issue of non-compliance in accordance with the risk ranking of the issue and whether it falls within a priority compliance area. This approach enables the ACMA to effectively focus its resources on addressing high-risk issues, while keeping a watching brief on lower risk matters. This has also been an effective way to manage external expectations about the types of issues that the ACMA will pursue.

## Priority compliance areas

The ACMA adopts an evidence-based approach in deciding its priority compliance areas (PCA) for technical regulation. These are decided through intelligence-gathering mechanisms, analysis and risk assessment. In its inaugural year, the 2012–13 priority compliance areas were:

- > **Prohibited devices (jammers)**—the ACMA has declared PMTS jamming devices (mobile phone jammers) and RNSS jamming devices (GPS jammers) as prohibited devices under section 190 of the Radiocommunications Act. These devices have been prohibited because of the significant risks posed by their operation.
- > **Non-compliant DECT devices**—DECT devices (such as cordless phones and headsets) designed for overseas markets can cause interference to mobile phone services in Australia, raising public safety concerns.
- > **Mobile phone repeaters**—mobile phone repeaters that are unlawfully operated can cause substantial interference to the mobile phone network and may adversely affect mobile services, including access to the Emergency Call Service.

As part of its broader compliance program, the ACMA also focused on improving online supply compliance.

The PCA program is holistic in its approach, from educating individuals about the law (before non-compliance has occurred) to implementing traditional enforcement (after the law has been broken). This end-to-end view enables the ACMA to extend its regulatory reach in an effective and targeted way.

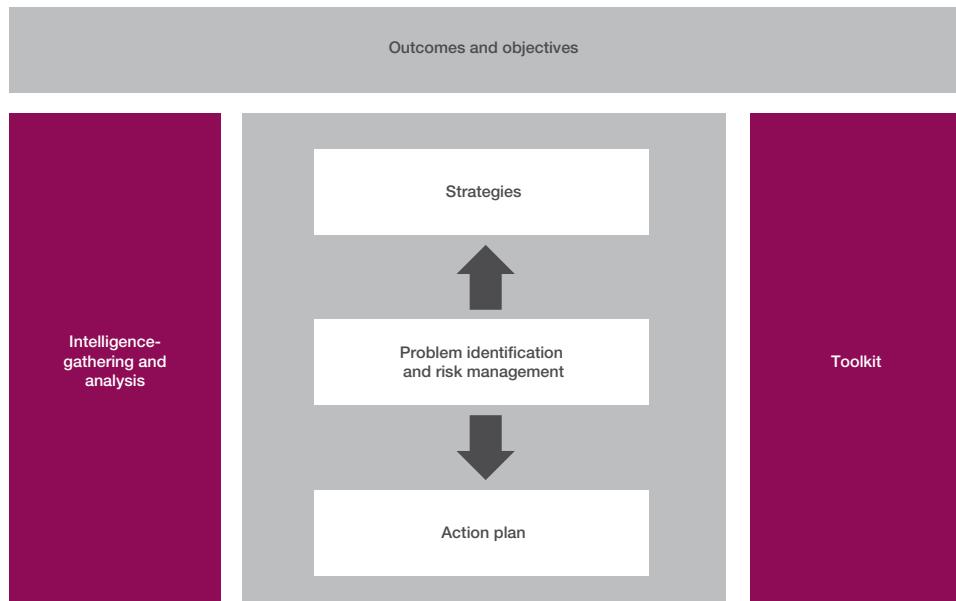
The ACMA will be continuing its PCA program in 2013–14.

## Preventative compliance measures

In accordance with the PCA compliance program, a communications strategy accompanied each PCA. These strategies sought to reduce non-compliance and highlighted the need for traditional enforcement action through education and awareness. This approach complements the ACMA's traditional enforcement activities, which have been the backbone of the technical compliance program.

Each communications strategy focused on key areas of the consumer and supply market. This provided a versatile communications approach in which the compliance message was tailored to the particular audience.

Figure 5: The ACMA's strategic compliance approach



Some communications highlights included:

> **Search engine advertising**

The ACMA acquired sponsored space on an online search engine to inform consumers about the law at the point of purchase or research. The advertisements provided sufficient information for an individual to understand the regulation in its basic form, with a link to the ACMA website. The ads were highly successful, with the average click-through rate well above industry standards. It was also a cost-effective option through the pay-per-click configuration.

> **Social media and online communications**

Social media and online media platforms were used to communicate key messages to a more diverse audience. A coordinated approach was adopted to maximise the impact of the communications made. This was effective, with general media also publishing information about the PCAs.

> **Infographic**

An infographic was developed to educate consumers about mobile reception and the regulatory requirements for mobile phone repeaters and boosters. The infographic was distributed to 51 regional and 19 general media outlets comprising radio, television and online news. It was also published in the ACMA's monthly *engage* e-newsletter, which has a circulation of about 900 media and industry professionals as well as members of the public.

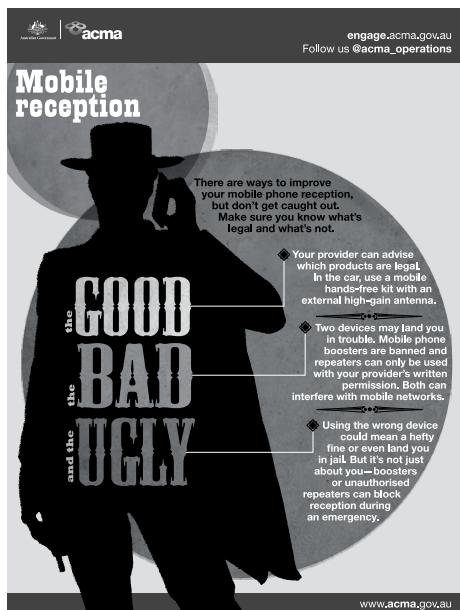
**Supplier auditing program**

The ACMA has re-aligned its method for collecting data and responding to issues, with a shift from targeting those who are registered (and displaying a willingness to comply) to those who sell goods via unregulated channels, such as online shopping. To assess the issue, field intelligence was gathered on devices that are known to cause interference to licensed radiocommunications services, focusing on non-compliant DECT devices.

The field intelligence was processed through a web-based search tool to identify Australian suppliers. These suppliers were generally audited or investigated further. This approach has enabled the ACMA to assess the Australian market and identify systemic issues of non-compliance.

The traditional auditing program is still used in certain circumstances to achieve compliance with the labelling and record-keeping requirements for products supplied by the registered supplier under the Radiocommunications Act and Telecommunications Act.

See also *Regulatory arrangements—technical standards and labelling notices* on page 77.



*This infographic was part of a campaign to educate consumers about mobile phone repeaters and boosters.*

## Compliance and enforcement options

### Field response and investigations

Above the general field response and investigative work conducted by the ACMA, a strong focus has been on the PCA program. Highlights of this work have included:

- > Responding to instances of mobile phone repeater use by individuals, including those cases reported by the mobile phone carriers. In these instances, the illegal operation of a mobile phone repeater was causing substantial interference risks to mobile communications.
- > Working in collaboration with the Victorian Taxi Directorate to conduct 'Operation Signal' to stop GPS jammer use among the taxi industry (see the case study on page 89 for more information). This activity resulted in two cases being referred to the Commonwealth Director of Public Prosecutions.
- > Conducting site visits at regional communities in Western Australia, which included monitoring the radiofrequency spectrum for potential mobile phone repeater use and educating individuals about the law.
- > Detecting and stopping the operation of non-compliant DECT devices, while obtaining further intelligence to inform the PCA program.

### Detections – prohibited devices

The ACMA has established arrangements with Australia Post to detect and seize prohibited devices travelling in the international mail stream. The ACMA has also established relationships with three private international mail carriers and received in-principle agreement that they surrender any detected prohibited devices.

In the reporting period, 25 devices were detected and handed to the ACMA. As a result, the ACMA sent a letter to the intended recipients of prohibited devices intercepted at international gateways (except for those provided for testing by the Australian Federal Police). The letter advised that the device they bought online from an overseas retailer was prohibited and had been forfeited to the Commonwealth, and that penalties may apply if, under section 189 of the Radiocommunications Act, they were found to have purchased a prohibited device again.

This approach reduced the risk to spectrum utility and interference to mobile phone users without imposing an undue burden on industry or consumers, in accordance with the established compliance principles.

Table 23: Audits of registered suppliers, 2011–12 and 2012–13

Action type	Number of actions	
	2011–12	2012–13
Audits conducted	26	51
Failed audits	4	14

Table 24: Prohibited devices, 2011–12 and 2012–13

Action type	Number of actions	
	2011–12	2012–13
Prohibited devices detections	179	25

## Case study

# Operation Signal

Working in collaboration with the Victorian Taxi Directorate (VTD), the ACMA implemented Operation Signal to educate taxi drivers about GPS jammers and change their behaviour. It was reported that taxi drivers were using GPS jammers to disrupt the fare dispatch system in order to receive additional jobs.

This operation arose through intelligence received by the ACMA and comprised traditional and non-traditional compliance measures.

Operation Signal was implemented in two stages:

- > The first stage sought to substantiate the intelligence received and gather further information by monitoring Melbourne CBD taxi ranks for potential GPS jammer use. Both goals were achieved

- > The second stage sought to educate and raise awareness about the law. On 14 March 2013, the ACMA, VTD and other law enforcement agencies set up an information station in the taxi holding yard at Melbourne Airport. Approximately 300 drivers were spoken to and received information about prohibited devices.

As a result of this collaborative operation, the ACMA completed two investigations into the use of GPS jammers. Both matters have been referred to the Commonwealth Director of Public Prosecutions.

In accordance with the compliance program's social media and online communications approach, this operation was promoted on the ACMA's website and social media platforms.



### Licensing compliance—statutory enforcement principles at work

The ACMA conducts investigations into suspected contraventions of the Radiocommunications Act and subordinate instruments relating to the operation of radiocommunications transmitters. These contraventions include unlicensed operation of transmitters, breaches of licence conditions and breaches of offence provisions relating to interference.

During 2012–13, the ACMA conducted 464 investigations into non-compliance with the transmitter licensing regulatory arrangements and issued 366 compliance actions (see Table 25). For example, during the reporting period, there were two investigations into regional shire councils that had supplied their own infrastructure to re-transmit commercial television services to their local areas. These councils had installed infrastructure in breach of their apparatus licences as not all of their residents could receive commercial television services, even if they had digital televisions or set-top boxes. The ACMA worked with the councils to achieve compliance.

### Low-power open narrowcasting (LPON) services

LPON services provide niche radio broadcasting services to an audience in a limited area of reception (for example, tourist information services) or for a regular event. LPONs are very low power—not more than one watt in residential areas or 10 watts in rural areas. LPON licences are also subject to conditions relating to operation of the service.

In the reporting period, the ACMA cancelled one LPON apparatus licence for breaches of licence conditions. Investigations into provision of service complaints are reported in Table 26.

See also *Low-power open narrowcasting services review* on page 55.

### Radiocommunications interference management

The ACMA administers radiocommunications licensing arrangements established by the Radiocommunications Act. It undertakes field-based activities to investigate interference to radiocommunications, telecommunications and broadcast services.

During the reporting period, the ACMA had 29 staff in five offices—Brisbane, Canberra, Hobart, Melbourne and Sydney—who were responsible for field activities and had access to 22 specially equipped vehicles.

**Table 25: Radiocommunications compliance investigations, 2011–12 and 2012–13**

Action type	Number of actions	
	2011–12	2012–13
Radiocommunications-related investigations	143	464
Advice notices issued	35	19
Warning notices issued	77	157
Infringement notices	0	1
Notices related to unlicensed operation of a transmitter	130	189

**Table 26: LPON investigations, 2011–12 and 2012–13**

Action type	Number of actions	
	2011–12	2012–13
LPON investigations conducted	6	9

Key field operations activities include:

- > managing radiocommunications and broadcasting interference complaints
- > conducting investigations
- > performing digital television field strength measurements to support the coverage evaluation program (see *Signal measurement and field analysis* on page 44 for more information)
- > undertaking compliance activities (audits and site inspections)
- > providing radiocommunications support for major events (for example, the Australian Formula One Grand Prix and the Australian Motorcycle Grand Prix)
- > performing HF monitoring and investigation from the Quoin Ridge facility.

The Quoin Ridge monitoring and investigation facility near Hobart is a primary means of investigating, locating and eliminating harmful interference to the HF band from national and international sources. The information is gathered and forwarded to international regulators to help resolve interference to international services with reciprocal requests to international regulators to help resolve local interference issues.

The ACMA investigates complaints about interference to licensed radiocommunications services and domestic broadcast reception systems. Radiocommunications interference affects radiocommunications receivers used typically in commercial, public safety and recreational services. Domestic systems interference affects the reception of licensed radio or television broadcast services in domestic premises.

A failure to comply with technical standards or transmitter licence conditions may result in interference to radiocommunications. To determine compliance with the regulatory framework, the ACMA regularly conducts interference tasks and site audits tasks in response to complaints and site audits on a risk-assessed basis.

During the reporting period, the ACMA responded to 518 complaints of interference to radiocommunications services (497 in 2011–12) and 413 complaints of interference to domestic radio and television broadcast reception (396 in 2011–12). The ACMA also inspected 770 radiocommunications sites for compliance with transmitter licence conditions (727 in 2011–12). This included 77 transmitter sites for community radio services in the FM band as part of an ACMA exercise to identify the elements of potential interference to aeronautical communications.

As a result of interference investigations and site inspection activities, the ACMA issued 377 advice and warning notices (see Table 27).

Of the 518 complaints of interference to radiocommunications services, 322 were about mobile telecommunications networks (272 in 2011–12). A further 37 radiocommunications complaints involved interference to public protection radio services, including to emergency services radio networks and air traffic communications (29 in 2011–12). The ACMA processed all radiocommunications interference complaints related to safety-of-life issues immediately on receipt. Of the public protection complaints that were affected by external interference, the ACMA resolved 92 per cent of these within 10 days. The ACMA also located 18 inappropriately activated Emergency Position Indicating Radio Beacons (12 in 2011–12).

Table 27: Radiocommunications enforcement actions, 2011–12 and 2012–13

Action type	Number of actions	
	2011–12	2012–13
Advice notices issued	250	206
Warning notices issued	67	171
<b>Total</b>	<b>317</b>	<b>377</b>

## Special events

As part of their risk management process, organisers of the following special events contracted the ACMA to provide radiocommunications frequency coordination and interference resolution services.

- > Australian Motorcycle Grand Prix, Phillip Island, 26–28 October 2012
- > Australian Formula One Grand Prix, Melbourne, 15–17 March 2013.

The ACMA staff who supported these events were faced with a range of issues involving interference to the radiocommunications services used by the event organisers, international competitors and race teams, and to both local and international television and broadcast services. All technical issues were successfully resolved with positive feedback received from the organisers of the events.

## Radiocommunications compliance laboratory

The ACMA's radiocommunications compliance laboratory carries out compliance testing of radiocommunications devices. The main purpose of the laboratory is to support industry compliance with regulatory arrangements such as the radiocommunications standards compliance and labelling arrangements. Devices that comply with the standards are able to be labelled and supplied to the Australian market. Spectrum impact assessments are also performed on radiocommunications devices. A total of 87 devices were tested during 2012–13, which resulted in 118 compliance test reports being produced.

The laboratory also assisted with investigations being carried out by the ACMA, and federal and state police services. This included preparing 16 evidentiary certificates and 16 technical assessment reports of radiocommunications devices.

The laboratory is accredited by the National Association of Testing Authorities (NATA) for assessing compliance to compliance level three for the full range of international and ACMA standards.

## Cabling and labelling compliance

The ACMA accepts complaints from industry and the public about telecommunications cabling and compliance by suppliers of devices subject to the labelling arrangements for radiocommunications, telecommunications, human exposure to EME and EMC compliance. The ACMA's complaints-handling strategy seeks to engage cooperatively with both the complainant and the subject of the complaint.

In the reporting period, the ACMA investigated 33 complaints about cabling and 123 complaints about compliance labelling arrangements. The investigations resulted in the issuing of 20 warning notices.

In December 2012, the ACMA investigated an allegation that mains power had been installed in breach of the Customer Cabling Rules in a store of a major retail chain. This resulted in a contractor receiving an electric shock. The ACMA worked with the retail chain and state electricity regulators and determined that the cabling issue was a design fault of its systems in stores Australia-wide. As a result of the ACMA's investigation, the retailer undertook to rectify the issue at all of its stores.

## Telecommunications compliance

This section highlights the ACMA's telecommunications compliance and enforcement activities during the reporting period.

The implementation of a new Telecommunications Consumer Protections (TCP) Code was a major priority for the ACMA during 2012–13. Following its registration on 1 September 2012, the ACMA signalled a change in the way the code compliance would be pursued—foreshadowed in the *Reconnecting the Customer* (RTC) public inquiry final report delivered in September 2011.

Historically, the ACMA's compliance approach was to engage with and educate individual providers, quietly securing process improvements. It involved 'auditing' particular obligations and providers, brought to the ACMA's attention by TIO statistics or through consumer consultation. In the course of the RTC inquiry, that compliance approach was criticised as insufficiently vigorous. The new approach involves a shift in the emphasis from education to investigation, direction and prosecution.

During the reporting period, the ACMA commenced a program of visits to medium-sized telcos who are not members of the industry association to remind them of the new code, its starting date and the new obligations it contains. At the forefront was a signalling of the expectation of immediate compliance with the obligations that had substantially carried over from the previously registered code.

As each new key rule in the code has come into effect, the focus has initially been on educating providers—but then has moved quickly to investigations and enforcement. The compliance culture of service providers who breach their code is now a critical consideration in the ACMA's response. The ACMA will also ordinarily publish a report on each finalised investigation on its website (subject to any legitimate publication concerns raised on a case-by-case basis). As well as being an educational vehicle to explain the Authority's approach to the code, these reports will also serve the ends of specific and general deterrence.

The TCP code includes:

- > enhanced rules for complaints-handling—particularly providers delivering on the undertakings they make to customers when resolving complaints
- > enhanced rules for credit management—particularly those concerning financial hardship, which industry has delivered largely independent of the RTC
- > new information requirements for advertising—both the inclusion of standard charging information and potentially misleading and confusing claims

- > a new requirement for telcos to provide a critical information summary
- > a new requirement for telcos to provide comparative billing information
- > new rules for communications compliance
- > new rules for spend management alerts.

The implementation of these new obligations is being phased to give telcos the opportunity to implement new systems and processes (see Table 28).

During the reporting period, the ACMA highlighted its initial public-facing set of enforcement priorities, which focused on the requirements of complaints-handling, advertising, credit management improvements and critical information summaries.

In April 2013, the ACMA received its first referrals from Communications Compliance (CommCom), a self-regulatory industry body that aims to improve industry members' compliance with code rules. It does not handle consumer complaints (this remains the role of the TIO) or enforcement under the Telecommunications Act (this remains the role of the ACMA). CommCom is an industry initiative intended to encourage and demonstrate industry's compliance with the code. The ACMA welcomes this initiative and looks forward to working with CommCom over time.

**Table 28: Phased implementation of the TCP Code**

Effective date	Obligations
1 September 2012	Complaints-handling, credit management and requirements for advertising
27 October 2012	Advertising of standard charging information
1 March 2013	Rules for critical information summaries, comparative billing information and communications compliance
1 September 2013	Rules for spend management alerts—large providers
1 September 2014	Rules for spend management alerts—small providers

Most of the early CommCom referrals have been about small providers not completing the required compliance attestations. This early focus on procedures (the attestation and audit forms) is a sensible starting point. Over time, the ACMA hopes CommCom will broaden its activities to include environmental scanning that gives industry and consumers confidence that there is an active industry presence to educate suppliers and check compliance.

To help deliver an efficient process for referrals and response, the ACMA developed a Memorandum of Understanding with CommCom.

### Compliance with the TCP Code

The ACMA proactively monitors compliance through:

- > **Education**—the ACMA visited more than 40 providers to discuss the changes to the TCP Code and any concerns they may have in the lead-up to and following registration.
- > **Environmental scanning**—the ACMA compares a provider's actions with the new TCP Code provisions and raises any concerns with them.
- > **Investigations**—in the final step before taking enforcement action, the ACMA investigates non-compliance under Part 26 of the Telecommunications Act.

Since the TCP Code was registered in September 2012, three directions to comply with the code have been issued to:

- > Telstra—for failing to protect customer information (privacy)
- > Touch Mobile and Jadi1—for failing to provide critical information summaries.

In addition, seven formal warnings have been issued to:

- > Australian Private Networks (trading as Activ8me), Sure Telecom and iTalkBB—for inadequate critical information summaries
- > AAPT and Southern Cross Telco—for failing to protect customer information (privacy)
- > Clear Networks—for an inadequate financial hardship policy
- > Vodafone—for failing to prominently display standard charging information in an advertisement.

During this time, the ACMA has also assessed 60 advertisements from 22 telecommunications service providers as well as 23 complaints-handling policies and 22 financial hardship policies. In addition, the ACMA has reviewed the critical information summaries of 88 providers.

The ACMA's compliance work on advertising has focused on whether industry is using confusing or misleading advertising terms (for example, 'free', 'unlimited'). The ACMA has also examined the requirement to provide standard charges when advertising 'included value' telecommunications plans. To date, the ACMA has found compliance in the large majority of cases. In most instances where non-compliance was detected, providers have been willing to rectify their practices.

Since March 2013, the ACMA has been checking that providers have critical information summaries and reviewing them to confirm they are all in the prescribed format. The majority of large and medium-sized providers have responded positively to this requirement. However, as noted above, the ACMA issued directions to two providers and formal warnings to three providers for non-compliance with these requirements—they are now all compliant. In addition to these formal warnings and directions, nine providers rectified their critical information summaries following receipt of preliminary breach notifications.

In 2012–13, the ACMA commenced nine investigations into compliance with the TCP Code under Part 26 of the Telecommunications Act:

- > billing—two investigations
- > changing suppliers—three investigations
- > selling practices—two investigations
- > complaints-handling—one investigation
- > advertising—one investigation.

### AAPT's privacy breach

The ACMA formally warned AAPT Limited after it failed to protect the privacy of its customers' personal information as required under the TCP Code. The ACMA started an investigation under Part 26 of the Telecommunications Act following media reports in July 2012 of a security incident involving AAPT customer information being stolen.

The ACMA found that AAPT did not protect the personal information of some of its small business customers whose billing and related personal information it had collected. The personal information was stored in a server offsite managed by a third party and was the subject of a hacking incident.

Since the incident, AAPT has taken steps to improve its processes and staff awareness of the provider's policies about information management and privacy to comply with these requirements in the TCP Code.

#### **Startel billing breach**

On 12 June 2012, the ACMA commenced an investigation into Startel's compliance with the billing accuracy provisions of the TCP Code and C518:2006: *Call Charging and Billing Accuracy Code* (the CCBA Code). The investigation resulted from Startel's voluntary admission to the ACMA of a billing system error that was rectified within 24 hours of being identified.

The ACMA found that Startel had contravened the TCP Code for not ensuring that it could verify and demonstrate billing accuracy, and the CCBA Code by failing to have a test plan in place.

Startel has now entered into a deed with the ACMA, which requires it to reimburse all the customers affected by its billing error and to provide regular reports to the ACMA on the progress of the reimbursements.

#### **Stakeholder engagement**

During 2012–13, the ACMA attended various forums on telecommunications compliance that focused particularly on the new TCP Code, including:

- > CommsDay Congress—speech by ACMA Chairman Chris Chapman, 10 April 2013
- > Communications Alliances briefing, *Communications Essentials: TCP*—speech by Jennifer McNeill, General Manager, Content, Consumer and Citizen Division, 1 August 2012.

#### **Mobile premium services**

Additional safeguards introduced into the Mobile Premium Services (MPS) Code 2011, as well as voluntary compliance monitoring by industry, have been effective in fostering a compliance culture. The code, which came into effect in June 2012, requires mobile carriers to give the ACMA quarterly reports on industry compliance with rules about advertising, message flows, and helplines and customer service. These reports show that overall rates of code compliance remain high.

The number of MPS-related complaints to the TIO continued their recent downward trend, comprising 1.1 per cent of new complaint issues raised in the March 2013 quarter.

#### **Unsolicited communications compliance**

The ACMA administers a suite of legislation designed to minimise the impact on Australians of unsolicited telemarketing, fax marketing and commercial electronic messages (including emails, SMS, MMS and instant messaging).

#### **Telemarketing and fax marketing**

The *Do Not Call Register Act 2006*, the Telemarketing and Research Industry Standard 2007 and the Fax Marketing Industry Standard 2011 set out rules applying to telemarketing and fax marketing.

The Do Not Call Register Act allows Australians who do not wish to receive unsolicited telemarketing calls or marketing faxes to list their private-use fixed and mobile phone numbers and fax numbers on the register. Unsolicited telemarketing calls and faxes must not be made to numbers on the register unless they fall into the category of designated telemarketing calls or faxes. Certain calls from government and religious organisations, charities, members of parliament, electoral candidates and educational institutions are considered designated calls.

The Telemarketing and Research Industry Standard and the Fax Marketing Industry Standard set out rules all telemarketers, fax marketers and researchers must follow, including:

- > outlining the hours/days when telemarketing/research calls and faxes cannot be made or sent
- > explaining what information must be provided to those being called or faxed
- > ending telemarketing calls when requested

- > providing opt-out functionality for marketing faxes
- > including a valid calling line identification number.

All consumers are protected by the requirements of the industry standards, whether or not they have listed their numbers on the register.

Consumers who have listed their numbers on the register may complain and report unsolicited telemarketing and fax marketing calls to the ACMA, which has the power to investigate and take enforcement action in response to breaches of the Do Not Call Register legislation. All Australians are able to make complaints to the ACMA about potential breaches of the industry standards.

### Complaints

In 2012–13, the ACMA received a total of 19,677 complaints from Australians under Part 26 of the Telecommunications Act (see Figure 6). This was a decrease on the previous year, due in part to a decline in the number of complaints about the ‘Microsoft Imposters’ scam following joint action by the ACMA, the US Federal Trade Commission and the Canadian Radio-television and Telecommunications Commission in October 2012. This action aimed to disrupt the scammers’ activities (see the case study *International cooperation—fighting unsolicited telemarketing and scam calls* on page 101). Complaints about unsolicited telemarketing calls accounted for the majority (99 per cent) of complaints received in 2012–13. Complaints about unsolicited fax marketing calls accounted for one per cent of the total.

Figure 6: Telemarketing and fax marketing complaints, 2007–08 to 2012–13

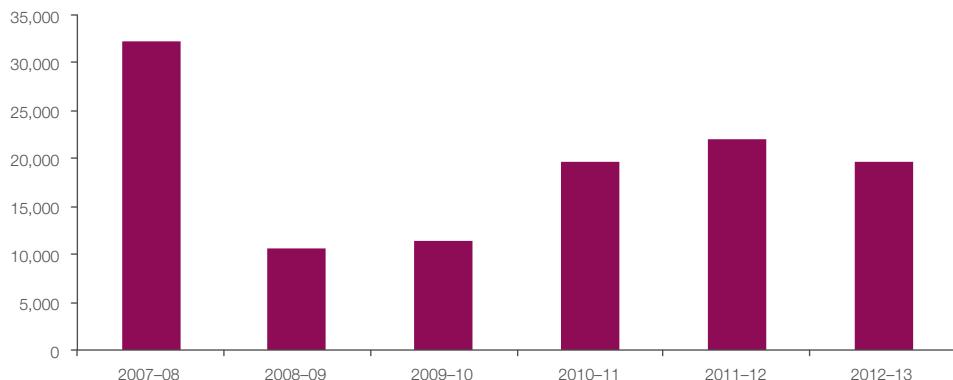


Figure 7: Classification of telemarketing and fax marketing complaints, 2012–13



*Note: Figures do not total 100 per cent as a complaint may relate to a potential breach of both the Act and one of the standards.*

Figure 7 shows a breakdown of the telemarketing and fax marketing complaints received by the ACMA during 2012–13 according to whether they were associated with a potential breach of the Do Not Call Register Act or one of the industry standards.

The ACMA measures its performance on actioning and responding to the telemarketing and fax marketing complaints it receives. Table 29 shows the number of days taken to finalise telemarketing and fax marketing complaints in 2012–13. The ACMA met all of its performance targets in this area.

#### **Advisory letters and informal warnings**

When the ACMA is able to identify the person or business that is the subject of a fax or telemarketing complaint, it sends an ‘advisory’ letter to the party providing information about its legislative obligations and advising that it will be monitored for 180 days to confirm future compliance. During 2012–13, the ACMA sent 918 advisory letters to people and businesses identified as potentially in breach of the requirements of the Do Not Call Register Act and industry standards.

Where the ACMA receives five or more complaints within any 180-day period about the same person or business, it issues an informal warning initiating more direct engagement on the party’s compliance with their obligations under the Do Not Call Register Act and industry standards. During 2012–13, the ACMA sent 139 such letters to people and businesses that were the subject of complaints.

An ‘advise, warn, investigate’ approach to compliance applying a graduated level of intervention as required, together with a focus on industry education, stakeholder and international engagement (discussed below) is proving an effective strategy to minimise unsolicited telemarketing calls and faxes to Australians. The ACMA has found that the majority of businesses who are the subject of Do Not Call complaints improve compliance at the advisory or informal warning stages, and complaints about those businesses cease.

#### **Investigations and enforcement**

During 2012–13, the ACMA finalised 11 telemarketing-related investigations under Part 26 of the Telecommunications Act. As a result of these investigations, the ACMA:

- > accepted two enforceable undertakings from Sydney Leisure Guide and Service Stream Solutions Pty Ltd
- > issued three infringement notices to Pure Water Systems (Aust) Pty Ltd, Heritage Financial Solutions and Service Stream Solutions Pty Ltd
- > issued three formal warnings for contraventions of the Do Not Call Register Act to Coronis Realty, Illumilite (formerly Solar Megamart Pty Ltd) and Smart Power Pty Ltd.

#### **Spam and e-marketing**

The Spam Act sets out rules and requirements for the sending of all commercial electronic messages—emails, SMS and MMS, and instant messaging. The legislation requires that commercial electronic messages:

- > are sent with the recipient’s consent
- > clearly identify the sender
- > include a functional unsubscribe facility.

#### **Complaints and reports**

Australians may lodge complaints about spam under Part 26 of the Telecommunications Act and report spam or make enquiries via the ACMA website, email, telephone or SMS. For example, a spam SMS message can be reported by forwarding it to 0429 999 888 and spam email can be reported by forwarding it to report@submit.spam.acma.gov.au.

In 2012–13, the ACMA received a total of 412,743 complaints, reports and enquiries directly from members of the public about spam (see Figure 8). The majority of these (396,908) were about email spam. There were 15,971 complaints, reports and enquiries about SMS or MMS (see Figure 9).

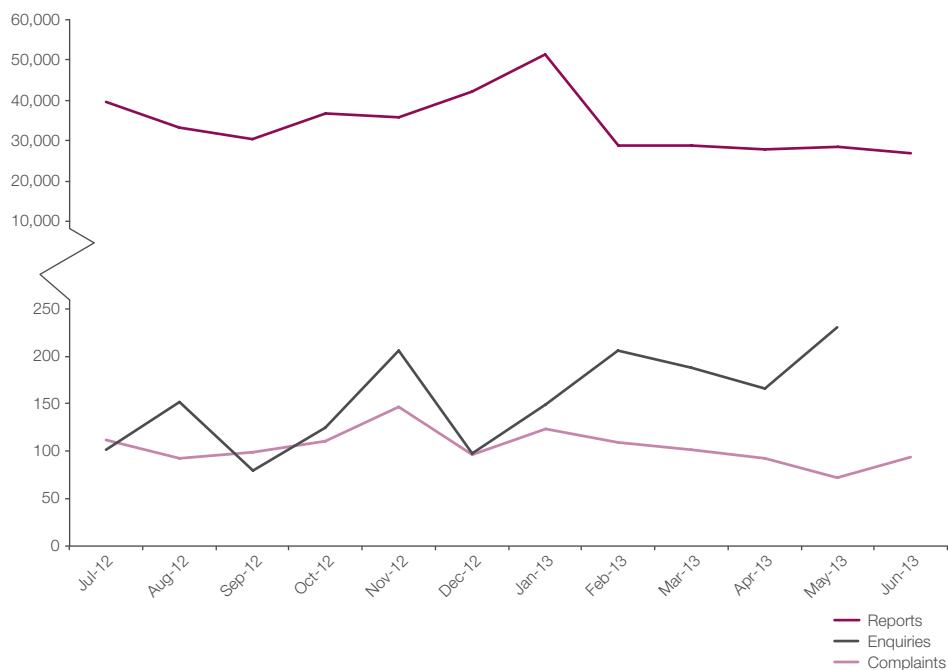
**Table 29: The ACMA’s telemarketing and fax marketing complaints-handling performance, 2012–13**

Measure (days to finalise)	Target (%)	Performance (%)
7	50	92.2
14	75	97.0
21	90	98.7

The ACMA aims to action 90 per cent of the complaints it receives about spam within eight days of receipt. In 2012–13, 99 per cent of complaints were actioned within this period. Continued improvements in complaints-handling processes have enabled the ACMA to meet this performance target despite the large increase in the number of contacts from the public.

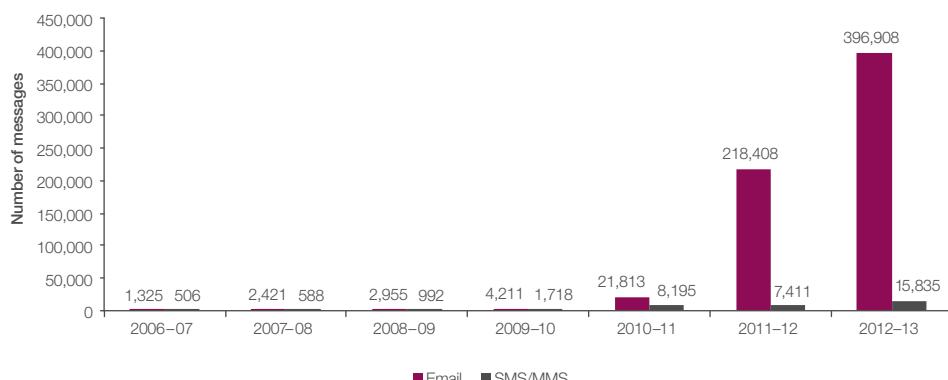
In addition to complaints, reports and enquiries received directly from members of the public, the ACMA also received nearly 20 million other reports of spam in 2012–13 via indirect reports. The ACMA uses sophisticated software tools to analyse this volume of spam message in order to identify spam that is likely having the most impact on Australians, and to identify trends and the incidence of malware within spam messages. This intelligence helps the ACMA to prioritise and target its interventions.

**Figure 8: Complaints, reports and enquiries about spam, 2012–13**



*The number of enquiries received in June 2013 was not available at the time of publication due to a technical issue with the logging system, which has since been rectified.*

**Figure 9: Complaints, reports and enquiries about email, SMS and MMS spam, 2006–07 to 2012–13**



### Informal warnings

In cases where the ACMA is able to clearly identify the source of spam that is the subject of a complaint or report, it issues informal warning letters in order to give the person or business involved information about their obligations under the Spam Act.

In 2012–13, 7,105 informal warning letters were issued, compared to 4,206 the previous year—an increase of 69 per cent. The majority of people or businesses contacted for the first time by the ACMA in this way about their compliance received no subsequent complaints or reports from the public.

### Investigations and enforcement

During 2012–13, the ACMA completed 10 investigations under Part 26 of the Telecommunications Act into potential contraventions of the Spam Act. As a result of these investigations, the ACMA:

- > accepted one enforceable undertaking from Tiger Airways Holdings Limited
- > issued three infringement notices to Tiger Airways Australia Pty Ltd, Betezy and Cellarmaster Wines Pty Ltd
- > issued five formal warnings to MyCRA Pty Ltd, Aussie Web Tech Pty Ltd, A.AAAAAAAAbbeys Home Services Pty Ltd, McDonald's Australia Ltd and Groupon.

### Education initiatives

To help businesses meet their unsolicited communications obligations and the public deal with unsolicited marketing, the ACMA engages in targeted educational activities. This includes:

- > **Industry blogs**—the ACMA produces two blogs aimed directly at businesses that engage in telemarketing, fax marketing and e-marketing. They promote and encourage businesses to comply with the rules:

- > *Successful e-marketing ... it's about reputation*  
The ACMA's e-marketing blog highlights that compliance with the Spam Act can enhance a business's reputation.

In 2012–13, 12 blog posts gave advice on the most common compliance problems identified via complaints and reports received by the ACMA. On average, about 600 e-marketers are directed to the ACMA's e-marketing information each month through receipt of informal warning letters.

- > *Better telemarketing ... take the right line*

In September 2012, the ACMA launched a new blog to promote best practice telemarketing and fax marketing, provide insights into common consumer concerns and offer simple ideas to make marketing campaigns more effective.

In 2012–13, 10 blog posts were published on topics such as washing calling lists against the Do Not Call Register, running a fax marketing campaign that complies with the Do Not Call Register Act and Fax Marketing Industry Standard, and using outsourced call centres.

- > **Social media**—as well as using traditional channels, the ACMA increasingly engaged with members of the public on telemarketing and spam-related issues via Facebook and Twitter during 2012–13. These channels also enabled the ACMA to issue alerts and warnings about apparent phone, email and SMS scams in circulation.

### Stakeholder engagement

During 2012–13, ACMA staff spoke at business forums on e-marketing best practice, methods of achieving compliance and matters related to spam more broadly. These forums included:

- > Churchill Club Panel Discussion—Bad Behaviour Online
- > Social Media Risk Privacy and Governance Forum 2012
- > Financial Services Council Panel Discussion
- > Association for Data-driven Marketing and Advertising (ADMA) Forum 2012.

## International cooperation

Recognising that unsolicited communications are a global issue, the ACMA strives to be an international leader and influential in combating unsolicited communications. The aim of cooperating internationally is to reduce the impact on Australians of unsolicited communications originating elsewhere. In October 2012, the benefits of this international collaboration were well illustrated by the joint action taken by international regulators, including the ACMA, to combat the global 'Microsoft Imposter' telemarketing scam (see the case study *International cooperation—fighting unsolicited telemarketing and scam calls* on page 101).

In 2012–13, the ACMA also participated actively in the following international efforts to counter unsolicited telemarketing calls and spam:

- > **London Action Plan**—the LAP is a prominent international forum committed to promoting spam enforcement cooperation, including exchanging information and intelligence between members. The LAP has 45 government members, 28 industry participants and five observers.

In October 2012, the ACMA led a discussion on the role of webmail providers in preventing spam and how to best work cooperatively with them. Further liaison with webmail providers will continue in 2013–14. Throughout 2012–13, the ACMA also participated in bi-monthly teleconferences with LAP members.

- > **Do Not Call Regulators Forum**—the International Do Not Call Regulators Forum focuses on unsolicited telemarketing calls and administering Do Not Call schemes in members' respective jurisdictions. Its aim is to share information about compliance best practice, identify global trends to develop a united response to common problems, increase the effectiveness of regulating in a global context and improve Do Not Call compliance by offshore businesses.

The annual meeting in October 2012 focused on the challenges that technology, such as VoIP and automated calls, presents for the regulation of telemarketing and the enforcement of respective Do Not Call rules by members. The ACMA also participated throughout 2012–13 in quarterly teleconferences with members of the forum.

- > **Licensing of spam analysis software**—software the ACMA uses to manage and analyse the large volume of spam reported by members of the public has attracted interest from government agencies in other countries that are engaged in combating spam. The ACMA has licensed this software to three agencies to help with their respective spam work.
- > **International delegations**—in January 2013, the ACMA briefed the Personal Data Protection Commission of Singapore on the Australian Do Not Call legislation, processes for operating the register, and industry compliance and enforcement.

## Case study

# International cooperation—fighting unsolicited telemarketing and scam calls

The ‘Microsoft Imposter’ scam was one of the largest phone scams of recent times, targeting consumers in Australia, the US, Canada, Ireland, New Zealand and the UK.

Scammers claiming to be associated with Microsoft or other companies called consumers to allege they had detected ‘issues’ with their computer due to a virus and offered to fix the problem—for a fee. If they agreed, consumers were usually asked to give a ‘technician’ remote access to their computer. The ‘technician’ then either:

- > charged a fee—sometimes hundreds of dollars—to install an antivirus program that would otherwise be available for free
- > installed nothing but fraudulently used or sold the consumer’s credit card details
- > installed malicious software so the computer could be controlled remotely for illegal and harmful activities
- > accessed and stole personal and financial details from the computer.

While the ACMA has no legislative responsibility for phone scams, it nevertheless receives complaints about scams that may appear to be genuine telemarketing calls to consumers. The ACMA became aware of this scam in 2009 after Australians with numbers on the Do Not Call Register started to make complaints about receiving calls from companies about viruses on their computers. The scam has generated over 10,000 such complaints and, at its peak, accounted for nearly half of all complaints about unsolicited telemarketing calls received by the ACMA.

The ACMA worked closely with the US Federal Trade Commission (FTC) and other overseas regulators on this global problem, sharing intelligence about the scam calls gathered through its telemarketing compliance activities. The ACMA’s information helped the FTC to identify US-based and offshore parties allegedly linked to these scams. Legal action commenced in late September 2012, with a US District Court judge issuing orders to halt operations and freeze assets.

The joint action by international regulators spearheaded by the FTC and supported by the ACMA significantly disrupted the activities of the Microsoft Imposter scammers. While these scam calls have persisted since the action, complaints received by the ACMA about these calls have fallen to about seven per cent of total telemarketing complaints, down from 50 per cent before regulators intervened. Media coverage of the US court action has also helped to raise consumer awareness about phone scams.

The ACMA’s work with other regulators to fight this scam is an example of the positive outcomes that can be achieved for Australians through international cooperation between regulators on issues that do not respect national borders.



An ACMA infographic highlighted tips on how to ‘outsmart the scammers’.

## **Broadcasting compliance—complaints and investigations**

The ACMA conducts investigations into matters related to broadcasting codes of practice and compliance with obligations in the BSA, including licence conditions and program standards.

Most investigations are undertaken in response to complaints. The ACMA can investigate complaints made directly to it if they are about a licensee's compliance with a licence condition or a program standard. The ACMA can also initiate and conduct investigations at the direction of the minister.

The ACMA's performance of its role is informed by section 5 of the BSA, which requires the ACMA to, among other things:

- > produce regulatory arrangements that are stable and predictable
- > deal effectively with breaches of the legislation
- > use its powers in a manner that is commensurate with the seriousness of the breach concerned.

## **Broadcasting codes of practice**

The ACMA's co-regulatory role in dealing with complaints under industry codes is prescribed by the BSA. The BSA provides that a complaint should be made first to a broadcaster and then to the ACMA if the complainant either:

- > has not received a response within 60 days after making the complaint
- > has received a response within that period but considers it to be inadequate.

Section 123 of the BSA allows commercial, subscription, narrowcast and community sections of the broadcasting industry to develop codes of practice and submit those codes to the ACMA for registration. Under section 123(4) of the BSA, the ACMA must register a code if it is satisfied that:

- > the code provides appropriate community safeguards for the matters that it covers
- > the code was endorsed by a majority of providers of broadcasting services in that section of the industry
- > members of the public have been given an adequate opportunity to comment.

National broadcasters notify their codes to the ACMA.

Copies of the codes currently registered or notified to the ACMA are available on the ACMA website.

## **Licence conditions**

The BSA includes a number of licence conditions made by the Australian Parliament, including for captioning, tobacco advertising, political and election matter, material classified 'Refused Classification', local content and local presence. The ACMA also has the power to impose additional licence conditions on individual licensees.

## **Standards**

The ACMA may determine program standards where codes of practice fail or where no code is developed by industry. Compliance with program standards is a licence condition on relevant licensees.

Issues of particular concern to Australians are generally covered by program standards. There are currently program standards covering:

- > Australian content on commercial television
- > commercial influence on commercial radio current affairs programs
- > children's programming on commercial television
- > anti-terrorism on narrowcast services.

## **The ACMA's enforcement powers under the BSA**

The ACMA has a range of powers with which to address breaches of the BSA, licence conditions, program standards or industry codes.

Where there has been a breach of a code, the ACMA may accept an enforceable undertaking for the purpose of securing future compliance with the code, or it may impose an additional licence condition under section 43 of the BSA requiring a licensee to comply with the code.

In the event of a breach of a licence condition, including an additional licence condition imposed by the ACMA under the BSA, the ACMA has the power to give the licensee a remedial direction requiring compliance, or to suspend or cancel the licence. In the case of licence conditions imposed by the parliament, breaches can result in civil or criminal proceedings.

The ACMA may also informally agree to accept measures by broadcasters to improve compliance following breaches of codes of practice. For example, the ACMA has, on many occasions, agreed on measures with licensees involving action to address compliance problems.

#### **Imposition of additional licence condition on Today FM Sydney Pty Ltd, the licensee of 2DAY**

On 8 October 2012, the Administrative Appeals Tribunal imposed an additional licence condition on 2DAY for a period of five years from 16 May 2012. This arose from comments Kyle Sandilands made about a female journalist during a broadcast of the *Kyle & Jackie O Breakfast Show* on 22 November 2011.

The additional licence condition elevates the code provision on decency to a condition on 2DAY's licence in respect of the programs *Hot30 Countdown* and the *Kyle & Jackie O Breakfast Show*, and any other programs presented or co-presented by Kyle Sandilands.

#### **Joint Select Committee for Broadcasting Legislation**

During the reporting period, the ACMA made a submission about on-air reporting of its breach findings to the Joint Select Committee for Broadcasting Legislation's inquiry into potential areas for further reform of Australia's broadcasting legislation.

The ACMA submitted that having a power to compel broadcasters to make on-air statements about breach findings would:

- > enhance its ability to respond proportionately to breaches of broadcasting regulations
- > improve compliance incentives for licensees
- > facilitate more relevant and responsive regulatory outcomes.

The ACMA considers that on-air statements are particularly useful with factual accuracy matters, but may also be appropriate with broadcast content that offends standards of decency, or provokes or perpetuates violence, intense dislike or severe ridicule against a person(s).

Since the reporting year 2011–12, there have been two occasions where broadcasters have agreed to make on-air statements about the ACMA's breach findings:

- > the ABC for a breach finding about *Media Watch*
- > commercial radio station 5AA for a 'decency' breach finding about *The Bob Francis Show*.

The committee tabled its report in parliament on 24 June 2013. It recommended introducing legislation to give the ACMA the power to require on-air corrections, clarifications and directions based on its findings.

#### **Investigations conducted by the ACMA in 2012–13**

The number of complaints and investigations about radio and television licensees' compliance with codes of practice, licence conditions, standards and the BSA are provided in Table 30. Investigations that attracted public comment are discussed below. Details of breach and non-breach findings by state and territory and category of broadcasting service are in Appendix 6.

### Investigation 2730—ABC (*Media Watch*, 19 September 2011)

During this broadcast, *Media Watch* presenter Jonathan Holmes named a journalist in connection with a claim that an article published in a newspaper had failed to 'tell all sides of a story in any dispute' as required by the newspaper's professional conduct policy.

Under standard 5.3 of the ABC Code of Practice 2011, where allegations are made about a person, the ABC is obliged to make reasonable efforts to provide a fair opportunity for that person to respond. The ACMA found that the allegation of a breach of the journalist's professional conduct policy was covered by standard 5.3, and that the ABC did not make efforts to seek a response from the journalist. The ACMA also investigated questions of factual inaccuracy and impartiality during the investigation, but found that the ABC was not in breach on these issues.

In response, the ABC acknowledged the ACMA's breach finding on *Media Watch* and added an appropriate clarification to its online transcript of the particular episode.

### Investigation 2813—Channel Nine South Australia Pty Ltd (*Channel Nine News*, 16 February 2012)

Channel Nine South Australia Pty Ltd breached the privacy provisions of the Commercial Television Industry Code of Practice 2010 by identifying a family involved in a home birth. It was the first television broadcast to breach the privacy provisions of the code since the publication of the new privacy guidelines in December 2011.

While it was not the focus of the news story, Nine broadcast sensitive personal information about a newborn baby. The broadcast also contained identifying and intrusive footage of the complainant and family inside their home and surrounds. In this case, footage in and around the complainant's home was found to be an invasion of privacy. The ACMA also found that Nine failed the additional code obligation to exercise special care before using sensitive personal information about a child.

Nine agreed to a tailored training program for relevant staff and also made a statement on its website providing a link to the ACMA's investigation report.

**Table 30: Summary of broadcasting complaints and investigations for commercial, national, subscription and community broadcasters and datacasters**

Written complaints and enquiries received	2,178 <sup>8</sup>
Written complaints and enquiries actioned within time frame of seven days	2,149 <sup>9</sup> (98.7%)
Investigations completed	212 <sup>10</sup>
<b>Investigations resulting in breach findings</b>	<b>67</b>
Investigations of compliance with the BSA	6
Investigations of compliance with licence conditions or standards	41
Investigations of compliance with codes of practice	20
<b>Investigations resulting in non-breach findings</b>	<b>135</b>
Investigations of compliance with the BSA	1
Investigations of compliance with licence conditions or standards	18
Investigations of compliance with codes of practice	116
<b>Investigations concluded</b>	<b>10</b>
Investigations completed within time frame of six months	197 (92.9%)
<b>Investigations resulting in formal enforcement action</b>	

In July 2012, the ACMA accepted an enforceable undertaking from the Nine Network relating to complaints-handling by its licensees. The enforceable undertaking applies for two years.

<sup>8</sup> This does not include 2,680 complaints and enquiries received about 2DAY's *Summer 30* program broadcast on 4 December 2012 (see page 105).

<sup>9</sup> 12 responses were sent to complainants over KPI as a result of several emails being inadvertently sent to the incorrect mailbox within the ACMA.

<sup>10</sup> Some investigations involve both code of practice and licence condition matters. For the purposes of the annual report, these investigations have only been counted once. For further details, see Appendix 6.

**Investigation 2848—Festival City Broadcasters Pty Ltd (5AA's *The Bob Francis Show*, 4 and 6 June 2012)**

The ACMA found that Festival City Broadcasters Pty Ltd (5AA) breached provisions of the Commercial Radio Australia Codes of Practice 2011 on decency and complaints-handling on two separate occasions in June 2012.

The investigation arose from comments Bob Francis made about asylum seekers and disparaging language he used about a female journalist, whom he identified by name and job title.

The ACMA considered that Mr Francis's comments about asylum seekers conveyed a disregard for the numerous fatalities that have occurred at sea and that the cumulative effect of his comments about the female journalist offended standards of decency.

5AA suspended Mr Francis for six days in the wake of his comments. He also received additional training on the decency provisions of the code.

Following its breach finding, the ACMA recommended that, in addition to these remedial actions, an on-air apology be made to the journalist attacked as the appropriate measure in this matter. Mr Francis made an on-air apology to the journalist in response to this recommendation.

**Investigation 2833—WIN Television NSW Pty Ltd (*WIN News Illawarra*, 16 August 2012)**

The ACMA found that WIN Television NSW Pty Ltd breached two provisions of the Commercial Television Industry Code of Practice 2010 in a news report on *WIN News Illawarra* about measles vaccination that misled its audience.

The report was broadcast on 16 August 2012 and concerned an outbreak of measles in south-western Sydney. The story included a statement that 'All vaccinations, in the medical literature, have been linked with the possibility of causing autism ...'

The ACMA found that this statement was not presented accurately. It also found that, overall, the report was likely to have misled viewers by conveying a higher level of controversy and uncertainty about the dangers of immunisation than was justified by the facts.

The ACMA recommended to WIN TV that it make an on-air statement about its findings but WIN TV declined to take up this opportunity.

**Investigation 2926—Harbour Radio Pty Ltd (2GB's *The Alan Jones Breakfast Show*, 31 August 2012)**

During a discussion with Senator Barnaby Joyce about whether women having greater representation in politics is a good thing or not, Alan Jones commented that 'Women are destroying the joint!'

The ACMA's investigation concluded that the comment did not breach clause 1.9.6 of the Commercial Radio Australia Codes of Practice 2011 as it did not incite 'severe' ridicule on the grounds of gender. The ACMA considered the brevity of the comments and the context of the comments—a discussion that otherwise focused on the government's expenditure priorities.

However, the ACMA found a breach of the complaints-handling obligation, as the licensee did not respond to the complainant within the time prescribed by clause 5.5 of the code.

**Investigation 2928—Today FM Sydney Pty Ltd (*Summer 30*, 4 December 2012)**

On 13 December 2012, the ACMA opened a formal investigation into the broadcast by 2DayFM of a prank call to King Edward VII's Hospital in London.

The focus of the ACMA's investigation is on the compliance of the licensee, Today FM Sydney Pty Ltd, with its licence conditions and the Commercial Radio Australia Codes of Practice 2011. In opening the investigation, the ACMA decided to exercise its discretionary powers under section 170 of the BSA to commence an 'own motion' investigation.

On 18 June 2013, in response to the ACMA's preliminary findings, the licensee applied to the Federal Court for orders restraining the ACMA from continuing the investigation and making a finding that Today FM breached clause 8(1)(g) of Schedule 2 to the BSA by broadcasting, in contravention of section 11(1) of the *Surveillance Devices Act 2007 (NSW)*, a recording of the telephone call.

The ACMA anticipates finalising its investigation on conclusion of the court action.

## Community broadcasting enquiries

During the reporting period, the ACMA received 1,026 enquiries about community broadcasting matters including:

- > requirements for setting up a temporary or long-term community radio broadcasting service
- > the process for changing the technical specifications for the delivery of a community broadcasting service
- > whether the ACMA is allocating licences for the digital transmission of community radio or television services
- > the procedure for making a complaint that a community broadcasting service is not complying with a licence condition or a code of practice.

Of these enquiries, 98.7 per cent (1,013) were actioned within a time frame of seven days.

## Control

The ACMA's broader role in media ownership and control rules is discussed under *Ownership and control* on page 38. There were no formal investigations into compliance with the ownership and control limits in the BSA in 2012–13.

## Category-of-service opinions

Section 21 of the BSA allows a person who is providing, or who proposes to provide, a broadcasting service to apply to the ACMA for an opinion as to which category of broadcasting service the service falls into. The ACMA did not give any category-of-service opinions during the reporting period.

## Children's Television Standards

In 2012–13, the ACMA conducted three investigations into 22 licensees' compliance with the Children's Television Standards 2009 (the CTS). The investigations were initiated by the ACMA under section 170 of the BSA and related to compliance for the 2011 and 2012 calendar years.

Following an earlier investigation into Channel Seven Brisbane's failure to meet its preschool program quota in 2011 (129.5 hours of the 130 hour quota) due to a scheduling error, the ACMA found four affiliated licences breached the same provision. Channel Seven Queensland (STQ), Regional Television Pty Ltd (ITQ and QQ) and Eastern Australia Satellite Broadcasters Pty Ltd (VAN) broadcast an additional 30 minutes of preschool programs in 2012 to make up the shortfall.

The ACMA's second investigation also followed on from an earlier breach finding against five Network Ten licensees. Nine licensees of the Southern Cross Austereo network were found to have breached the CTS by broadcasting the preschool program *Puzzle Play* four times in a period of five years. The licensees broadcast additional preschool programming during the compliance period to meet the relevant preschool program quota.

The third investigation found five Network Ten licensees and nine Southern Cross Austereo licensees breached the CTS by broadcasting episodes of the preschool programs *Scope* and *Totally Wild* four times in a period of five years. Notwithstanding the preceding breaches, outcomes of the investigations and appropriate remedial measures had not been fully implemented to prevent the breaches recurring. In response to this matter, the licensees broadcast additional C programming to meet the relevant program quotas during 2012, finalised the implementation of programming scheduling alert systems and provided detailed training to employees of their obligations under the CTS.

In addition, the investigation found the above 14 licensees, and an additional four Southern Cross Austereo licensees, broadcast 20 episodes of a children's program, *H2O: Just Add Water*, without a valid C classification. In doing so, the licensees provided non-C material during designated C periods. As remedial action, the licensees broadcast a total of 28 additional episodes of C programming, satisfying the annual content quota for 2012, and conducted a review of their programming database to assign the correct classification expiry dates.

## Australian Content Standard

During 2012–13, the ACMA conducted two investigations under section 170 of the BSA into licensees' compliance with the Broadcasting Services (Australian Content) Standard 2005 (Australian Content Standard).

The investigations found one licensee, WIN Television SA Pty Ltd (RDS) Riverland, failed to provide 250 points of first-release Australian drama during the 2011 compliance year, as required by subsection 10(2) of the Australian Content Standard. In doing so, the licensee also breached the licence condition set out at clause 7(1)(b) of Schedule 2 to the BSA requiring compliance with the Australian Content Standard. The licensee fell short of the minimum points requirement due to switching affiliated metropolitan channel suppliers part way through the compliance period.

Acknowledging the non-compliance, the licensee agreed to review its record-keeping and internal procedures for monitoring and reporting on the Australian Content Standard. As a result of the breach, the licensee was ineligible to claim the licence fee rebate under the Television Licence Fee Regulations 1990 for the corresponding period.

### **Anti-siphoning provisions**

In the reporting period, the ACMA dealt with 31 complaints or enquiries about the availability of sports programs on free-to-air television. The majority of the complaints were about events not being broadcast live, in-full or at all (matters not currently within the ACMA's jurisdiction).

Refer to the ACMA's regulatory role in Chapter 3 for further information about the operation of the anti-siphoning rules.

### **Datacasting**

Under the BSA, datacasting providers are prohibited from providing certain genres of programming. These restrictions are designed to encourage datacasting licensees to provide a range of innovative services that are different to traditional broadcasting services. During the reporting period, the ACMA received eight complaints and conducted three investigations into datacasting services. The investigations were the first time the ACMA has considered compliance with the relevant provisions of the BSA:

- > Investigation 2814 found that Channel Seven Melbourne Pty Ltd breached subclause 14(1) of Schedule 6 to the BSA (genre restrictions) by datacasting various entertainment programs on its TV4ME channel in March 2012.
- > Investigation 2901 found that Nine Network Queensland Television Ltd and Channel Nine Pty Ltd did not breach clauses 14 or 24 of Schedule 6 to the BSA—genre restrictions and general conditions (classification) respectively—by datacasting Babe TV on its Extra channel on 8 October 2012.
- > Investigation 2959 found that Channel Seven Perth Pty Ltd did not breach clauses 14 or 24 of Schedule 6 to the BSA by datacasting Psychic TV on its TV4ME channel on 7 January 2013.

### **Complaints under the conditional access scheme for satellite access to digital television**

Viewers who were refused access to VAST services by the scheme administrator can, under certain conditions, complain to the ACMA. The ACMA has the power to direct the scheme administrator to enable VAST access for viewers who cannot access terrestrial digital television services.

The ACMA received 299 complaints between 1 July 2012 and 30 June 2013. In 2012–13, the ACMA finalised the investigation of 257 complaints and issued 257 directions to the scheme administrator to grant VAST access to the complainants. Of the remaining 42 complaints, 28 were withdrawn as the affected viewers gained access to either VAST or terrestrial television services before the investigation was finalised. At the end of the reporting period, 14 complaints were still under investigation.

See also *Viewer Access Satellite Television service* on page 45.

### **Commercial radio standards**

During the reporting period, the ACMA conducted eight investigations under:

- > Broadcasting Services (Commercial Radio Advertising) Standard 2012 (the Advertising Standard)
- > Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2012 (the Disclosure Standard).

All eight investigations considered compliance with the Advertising Standard, with four examining the broadcast of Status Quo's 'Down Down' 2012 advertisement for Coles Supermarkets (broadcast on various ARN networked licensees). Only one of these investigations resulted in a breach finding—the broadcast on SDN Cruise 1323 (Investigation 2865) in Adelaide. The licensee in that case failed to ensure the advertisement was distinguishable from other program content.

Three investigations considered compliance with the Disclosure Standard. All three were non-breach findings.

## Online content complaints

The ACMA Hotline for complaints about offensive and illegal online content received 4,633 complaints in the period 1 July 2012 to 30 June 2013, an eight per cent decrease on 2011–12. A single complaint may lead to the investigation of multiple items, with an ‘item’ referring to an individual article of content such as a web page, image or file. Since 1 January 2000, the ACMA has received over 25,000 complaints, investigated over 26,000 items of online content and taken action on more than 14,000 items of prohibited or potential prohibited content.

During the reporting year, the number of child sexual abuse material items investigated by the ACMA rose to 1,177—a five per cent increase on 2011–12. The number of complex investigations into peer-to-peer (P2P) content rose to 83—an increase of 493 per cent on the previous year.

The ACMA dealt with the majority of complaints about child sexual abuse material within two business days, while 80 per cent of all other potentially illegal content was actioned within two business days (the latter figure concerned five items of content only). Eighty-eight per cent of all investigations about online content were completed within 20 business days. Complaint numbers, technical complexity, law enforcement requests or applications to the Classification Board for formal classification of content all impacted on the time frames in which the ACMA conducted investigations.

Of the complaints received during the year, 115 were invalid as they did not contain information required by the BSA to enable the ACMA to conduct an investigation.

The ongoing large number of complaints received by the ACMA is likely due to a range of factors including:

- > an increased number of Australian families who are online
- > greater awareness of the potential dangers of harmful content
- > increased awareness of how to report suspected prohibited content
- > greater community interest in online content regulation issues and the role of the ACMA in this area.

Of the investigations completed, 1,853 items of prohibited and potential prohibited content were identified (see Table 31). A total of 556 investigations were terminated because the ACMA was unable to obtain sufficient information on which to base a decision, usually because the content identified in the complaint could not be located. The ACMA also referred 58 items of content to the Classification Board for formal classification.

The introduction of Schedule 7 of the BSA in 2007–08 established new mechanisms for dealing with complaints about live content services and Australian-hosted links to prohibited content. During the current reporting period, final ‘take-down’ notices were issued for five items of Australian-hosted prohibited content, while three items of Australian-hosted prohibited content were removed upon referral to law enforcement prior to any take-down notices being issued by the ACMA. No service-cessation notices were issued for live content services provided from Australia and no link-deletion notices were issued to link service providers with an ‘Australian connection’. The Australian hosting service providers complied with all directions to ‘take-down’ prohibited content.

A total of 1,845 overseas-hosted prohibited or potential prohibited items of internet content investigated during the reporting period were referred to the makers of optional end user internet software filters under Schedule 5 of the BSA and the registered Internet Industry Association code of practice for dealing with such material.

Under the BSA, prohibited content is defined with reference to the classification categories set out in the National Classification Scheme. Approximately 70 per cent of items that were prohibited or potential prohibited were, or were likely to be, refused classification. Of items classified Refused Classification, or found likely to be classified Refused Classification, 91 per cent constituted an exploitative or offensive depiction or description of a child.

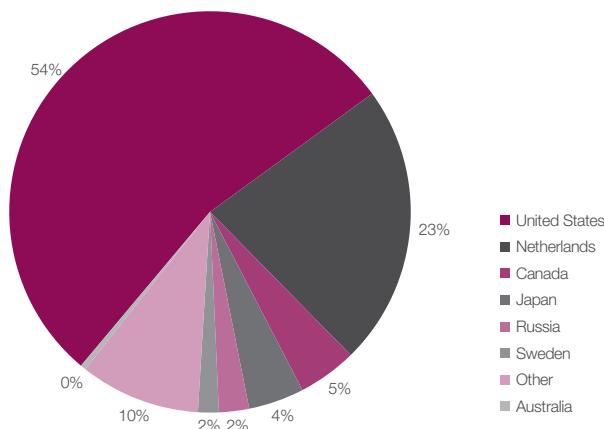
Table 31 shows the breakdown by content type of items actioned as a result of completed investigations in which prohibited or potential prohibited content was located.

As shown in Figure 10, the US continued to account for the majority of prohibited/potential prohibited online content provided from outside Australia.

Table 31: Prohibited or potential prohibited internet content 2012–13, items actioned

Actual or likely classification and description of online content	Online content hosted in or provided from Australia (take-down, service-cessation or link-deletion notice issued, or removed after referral to police)	Internet content items hosted overseas (referred to makers of filters)	Total
MA 15+ (Strong impact content)	0	1	1
R 18+ (High impact content)	1	132	133
X 18+ (Explicit sexual content)	1	424	425
RC 1(a) (Refused Classification content for a range of matters, including offending against standards of morality and decency and revolting and abhorrent phenomena)	1	113	114
RC 1(b) (Refused Classification content for offensive depictions/descriptions of children)	5	1,172	1,177
RC 1(c) (Refused Classification content for instruction, incitement or promotion of crime or violence)	0	2	2
RC 1(d) (Computer games that are unsuitable for a minor to see or play)	0	1	1
RC 9A (Refused Classification content for advocating terrorist acts)	0	0	0
Restricted Cat 1 – Publication (Explicit nudity and high-end content)	0	0	0
Restricted Cat 2 – Publication (Explicit sex, fetishes and high-end content)	0	0	0
<b>Total</b>	<b>8</b>	<b>1,845</b>	<b>1,853</b>

Figure 10: Prohibited or potential prohibited internet content by host location, 2012–13

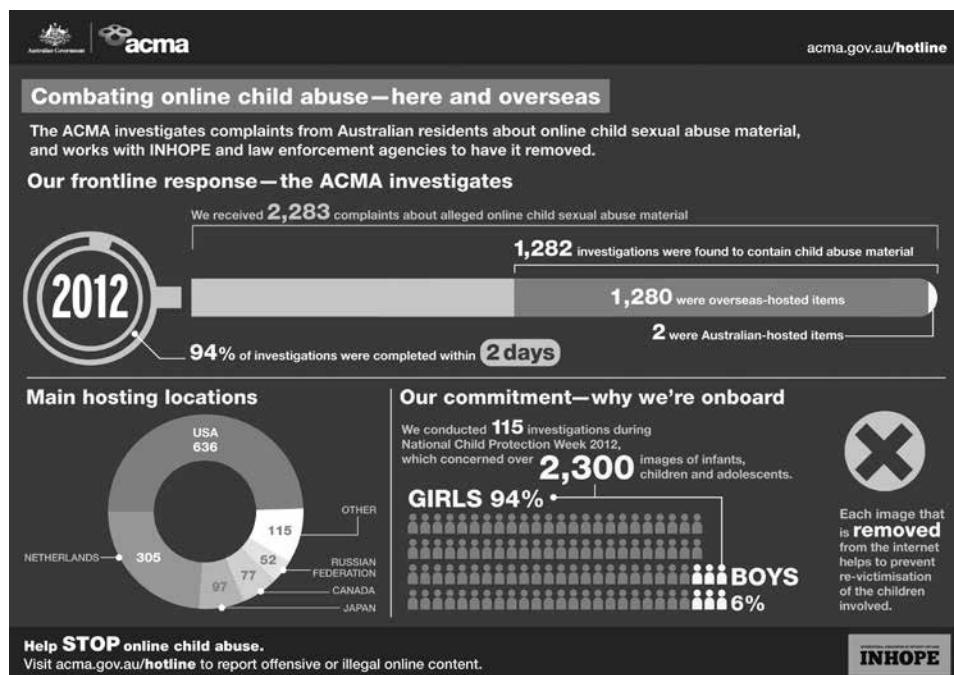


## Interactive gambling

The *Interactive Gambling Act 2001* (the IGA) makes it an offence to provide certain types of gambling services to Australians and to advertise such services in Australia. Under the IGA, the ACMA is responsible for investigating complaints about alleged prohibited internet gambling content and for registering industry codes of practice dealing with interactive gambling matters.

Part 3 of the IGA establishes a complaints system for prohibited internet gambling content. In 2012–13, the ACMA received 121 complaints and general enquiries under the IGA. Of the 23 investigations completed in the period, 10 resulted in the location of overseas-hosted prohibited internet gambling content. These services were referred to makers of family-friendly filter software in accordance with the code of practice registered under the IGA. Some services were also referred to the Australian Federal Police.

In the reporting period, the ACMA received complaints that referred to potentially prohibited Australian-hosted internet gambling content at five URLs, and considered that four URLs warranted referral to the police for consideration (see Table 32).<sup>11</sup>



Released in April 2013, the 'Combating online child abuse—here and overseas' infographic highlights the ACMA Hotline's efforts in the calendar year 2012 to help eradicate child exploitation material from the internet.

<sup>11</sup> Under section 20(3)(a) of the IGA, the ACMA may not investigate a complaint about Australian-hosted content. However, the ACMA may, if it considers it warranted, refer the complaint to an Australian police force.

## National interest issues

Agencies involved in the national security of Australia and law enforcement and emergency services have special operational requirements in their interaction with the services of the telecommunications industry. The ACMA administers the applicable law under the Telecommunications Act and liaises with representatives of agencies and the telecommunications industry.

### Law enforcement liaison

In consultation with members, the ACMA convened the Communications Security and Enforcement Roundtable (CSER) once during the reporting period. CSER operates as a clearing house for issues and is an open forum for its members to share information and progress regulatory and operational issues about law enforcement and national security measures as they relate to the telecommunications industry. When required, it can also function as a mechanism for assisting the ACMA with its responsibilities.

To complement the CSER, a separate and smaller strategic policy group (the Experts Group) has been established by the Attorney-General's Department and DBCDE. The ACMA is a member of the Experts Group.

### Identity-checking requirements for prepaid mobile phone services

The ACMA is responsible for making and administering a determination that requires CSPs to collect and verify identity information about the purchasers and end users of prepaid mobile services.

New collection and verification methods have been proposed by an industry and government working group as part of a review led by DBCDE. In February 2013, the minister wrote to the ACMA supporting the outcomes of this collaborative effort and asking the ACMA to develop the necessary regulatory changes. In May 2013, the ACMA released a consultation paper, *New streamlined identity-checking requirements for prepaid mobile carriage services*. The paper sought comment on proposed regulatory changes that aim to establish a more efficient and effective set of identity verification requirements for prepaid mobile carriage services.

A key proposed change was to allow CSPs to verify a person's identity information through a range of new methods, including government online verification services such as the Document Verification Service.

The ACMA anticipates finalising the proposed changes in a new determination in the course of 2013.

Table 32: Summary of interactive gambling complaints and investigations—IGA

Complaints and general enquiries received	121
General enquiries	63
Complaints about overseas-hosted online gambling—services available to people in Australia	36
Complaints about Australian-hosted online gambling—services available to people in Australia	9
Complaints about advertisements for online interactive gambling*	13
Investigations undertaken in the reporting period (includes unfinished investigations carried over from the previous reporting period)	31
Investigations completed	23
Investigations of overseas-hosted sites resulting in breach findings	10
Investigations of overseas-hosted sites resulting in non-breach findings	11
Investigations terminated because of insufficient information	2
Invalid	8
Investigations commenced but yet to be completed	0
Australian-hosted sites (preliminary assessments only)	9 <sup>^</sup>
Referrals to the AFP of possible prohibited internet gambling content	4

\*Advertising content found online and in print, arising from citizen complaints or found in the ACMA's investigations.

<sup>^</sup>These nine assessments concerned five URLs, four of which were referred to the AFP.

## Interception exemption for trial services

Section 193 of the *Telecommunications (Interception and Access) Act 1979* (the TIA Act) gives service providers the opportunity to trial new services before committing expenditure on interception capability. The ACMA can grant an exemption from the obligation to provide interception capability if, after consulting with appropriate interception agencies, it is satisfied that this is unlikely to create a risk to national security or law enforcement.

During the reporting period, the ACMA granted two exemptions under section 193 of the TIA Act for a single trial. Both exemptions were subject to conditions set out in the exemptions.

## Disclosure of customer information to law enforcement and national security agencies

Customer information provided by telecommunications carriers and CSPs to law enforcement and national security agencies is protected under Part 13 of the Telecommunications Act. Carriers and CSPs are prohibited from disclosing that information to other parties except in certain limited and restricted circumstances. Those circumstances generally relate to:

- > assisting in investigations by law enforcement or national security agencies, the ACMA, ACCC, TIO or TUSMA
- > assisting where there is an imminent threat to a person's life or health
- > satisfying the business needs of other carriers and CSPs.

Under clause 57(2)(f) of the ACMA Act, the ACMA is required to include in its annual report information on disclosures of customer information made during the reporting year. The number and type of disclosures made during 2012–13, as reported to the ACMA under section 308 of the Telecommunications Act, are provided at Appendix 10.

## Disclosure of Integrated Public Number Database data for telephone-based emergency warning systems

Part 13 of the Telecommunications Act allows information contained in the Integrated Public Number Database (IPND) to be disclosed for the testing and operation of telephone-based emergency warning systems by state and territory governments.

The number of telephone numbers that have been disclosed for this purpose in the reporting period, a description of the emergency or likely emergency, and the location and number of persons to whom the information was disclosed under sections 295V(1) or 295V(2) of the Telecommunications Act are provided at Appendix 10.

## Emergency call service

The emergency call service is a national operator-assisted service that connects emergency callers free-of-charge to state and territory emergency service organisations—police, fire and ambulance. The service is designated for emergencies that are life-threatening or time-critical.

The primary emergency call service number is Triple Zero (000), which can be accessed from any fixed-line or mobile phone. In addition, there are two secondary emergency call service numbers in operation—112, which can be accessed from mobile phones, and 106 for text-based emergency calls from people who are deaf or have a hearing or speech impairment.

The ACMA's regulatory role for the emergency call service arises under a broader policy, legal and institutional framework set by the government. That framework has the following elements:

- > Telstra is the designated emergency call person (ECP) for Triple Zero (000) and 112, while Australian Communication Exchange Ltd is the ECP for the 106 emergency call service.
- > The ECP takes calls via all CSPs and transfers them to relevant emergency service organisations (ESOs) in each state and territory.
- > When the ECP transfers the calls, it takes the location information stored in the IPND associated with the number and/or asks the person where they are (for nomadic services such as mobiles).

- > The ACMA places obligations on carriers, CSPs and the ECP so that customers can access the emergency call service. The ACMA is also responsible for authorising access to the IPND.

The ACMA is not responsible for the role of the ESOs once a call has reached them. This is a matter for state and territory governments. The ACMA works cooperatively with the ECP and ESOs on addressing issues that are within its remit.

### **Emergency Call Service Advisory Committee**

As part of its role to regulate and monitor the emergency call service, the ACMA convenes the Emergency Call Service Advisory Committee (ECSAC). This is a formally constituted advisory committee of the ACMA. It provides a forum for representatives of the telecommunications industry, ECPs and ESOs to provide advice to the ACMA and discuss priority issues affecting the operation of the service. ECSAC met twice in 2012–13 and provided advice on a range of matters. On 15 November 2012, the membership of ECSAC was broadened to include representatives from NBN Co, VoIP providers and ACCAN. Details of ECSAC members are provided at Appendix 2.

### **Requirement to provide access to emergency call service from satellite services**

In June 2013, following a public consultation process, the ACMA amended the Telecommunications (Emergency Call Service) Determination 2009 to tighten the emergency service requirements that apply to satellite services.

Under the revised regulatory arrangements, all handheld satellite phone services are required to provide access to the emergency number Triple Zero from 1 July 2013. The amended Determination also provides for a limited exemption for non-handheld satellite services supplied by Inmarsat. These exempt services are marketed to commercial users (for example, shipping, aeronautical and mining industries) where there is little or no expectation that 000 is accessible and alternative arrangements for accessing emergency services are available.

The amendments were made in response to concerns raised in the 2011–12 Regional Telecommunications Review.

### **Reducing the volume of non-emergency calls**

An ongoing objective for emergency service delivery has been to reduce the volume of calls to the ECP that are not related to an emergency. Of the 8.85 million calls made to the ECP during 2012–13, 5.73 million were connected through to an ESO.

Calls that are categorised as non-emergency may include instances of deliberate nuisance calls, calls for assistance that are not time-critical, calls to services that are not accessible through the emergency call service—such as state emergency services—and accidental misdials (a particular issue with mobile phones).

The most effective measure to reduce non-emergency calls to date has been Telstra's introduction of a short recorded voice announcement for the Triple Zero service. Since its introduction on 19 December 2008, the number of calls to Triple Zero reaching the ECP has reduced by approximately 25 per cent, without any genuine calls being affected. Another measure the ACMA is continuing to monitor is the implementation of an industry-agreed escalated warning process. On average, 95 per cent of callers that receive a warning from the ECP are deterred from further misuse after receiving a warning from the ECP. Experience is showing that the risk of account suspension and police referral is acting as a significant deterrent.

### **Triple Zero Kids' Challenge**

During the reporting period, an ECSAC working group was active in developing initiatives aimed at improving awareness of Australia's emergency call service, particularly among children. The group recently launched three new game scenarios for the Triple Zero Kids' Challenge, which aims to educate children aged between five and 10 about the emergency call service. The group is currently developing smartphone and tablet application versions of the game to improve accessibility. Over 760,000 games have been played since it was launched in May 2010.

## Complaints about the Triple Zero service

During the reporting period, the ACMA received a small number of complaints about the Triple Zero service and commenced one investigation into a CSP's compliance with the requirement to provide Triple Zero access. Most of the complaints related to the handling of calls by the emergency service organisations (and not to Telstra as the ECP for 000 and 112), and were referred to the relevant emergency service organisation for a response.

## Investigations into failure to provide Triple Zero access

In November 2012, the ACMA filed proceedings against TPG Internet Pty Ltd in the Federal Court for alleged failures to give access to the Triple Zero emergency call service. The ACMA alleges that TPG Internet breached the Telecommunications (Emergency Call Service) Determination 2009 by failing to give certain customers and other end users access to the Triple Zero emergency call service. This is alleged to have occurred over a period of approximately six months between March and September 2011.

## Integrated Public Number Database

The IPND is a telecommunications industry-wide database of all listed and unlisted public numbers and their associated customer data. Law enforcement agencies and emergency services regularly access customer data from the IPND and it is critical that the data is accurate for these purposes. The ACMA continued to contribute to the IPND review being undertaken by DBCDE.

## Investigations into CSP compliance with IPND requirements

The ACMA can employ a range of methods to assess compliance with IPND requirements, including audits and investigations. During the reporting period, the ACMA conducted five investigations into whether CSPs complied with their obligations to provide accurate customer data to the IPND. The ACMA requested a sample of records from the IPND Manager for the CSPs to ascertain whether the records contained in the IPND matched those held by the CSPs. Four of the CSPs investigated achieved a compliance level of 90 per cent or above for name and address data.

## Cybersecurity

The Australian Internet Security Initiative (AISI), developed and managed by the ACMA, is a program targeted at reducing the cybersecurity threat posed by 'botnets'—networks of computers that have become compromised through the surreptitious installation of malicious software (malware). This malware enables the computer to be controlled remotely for illegal and harmful activities, including the dissemination of spam, hosting of 'phishing' sites and distributed denial of service attacks on internet infrastructure.

The AISI is a component of the government's Cyber Security Strategy and aims to enhance the protection of home users and small to medium enterprises from electronic attacks and fraud by reducing the number of infected computers on the Australian internet.

Under the AISI program, the ACMA provides information to AISI members—ISPs and universities—about 'compromised' computers residing on their networks. AISI members may then contact their customers to inform them that their computers are compromised and help them to restore correct operation.

During 2012–13, the average number of compromises reported to AISI participants per day was 16,034, broadly consistent with the average of 16,517 reported per day during 2011–12.

The number of AISI participants increased from 127 at 30 June 2012 to 133 at 30 June 2013. It is estimated that the IP address ranges used by these AISI members account for 98 per cent of allocated Australian IP address ranges.

Reports of spam provided to the ACMA can indicate 'phishing' activities—the use of electronic messages to acquire significant personal or financial information from users. Since 2011–12, the ACMA has provided notifications of URLs appearing in phishing messages to government agencies such as the Australian Taxation Office and critical infrastructure providers such as carriers and financial institutions. These URLs link to websites where personal and financial information may be collected from unwitting users.

In support of these activities the ACMA has, in 2012–13:

- > Worked closely with DBCDE, CERT Australia and the international DNSChanger Working Group to help Australian internet users remove the DNSChanger variety of malware from their computers by 9 July 2012. After this date, users whose computers remained infected were at risk of losing their access to the internet. It is believed that thousands of infected Australian internet users were helped by this action. See the case study *Responding to DNSChanger—the benefits of collaboration* on page 116 for further information about this initiative.
- > Provided intelligence to national and international law enforcement authorities and regulators on suspected botnet-related online criminal activity.
- > Published statistics on its website on the number and types of malware infections reported each day through the AISI to participants, updated daily.

- > Increased data on compromised computers feeding into the AISI in order to enhance the detection of compromises, with over 12 sources providing regular data into the AISI.
- > Published a report detailing the outcomes of research interviews with a cross-section of AISI participants. The report assessed the effectiveness of the AISI program, the methods in which AISI data was used and how the program could be improved. There was strong support for the AISI from interviewees, with approximately two-thirds of those interviewed advising that the AISI was the only source of computer compromise data relating to their networks.

## Case study

# Responding to DNSChanger—the benefits of collaboration

The ACMA closely monitors emerging internet threats and responds to these as appropriate. The response in 2012 to DNSChanger malware illustrates its proactive approach and the benefits that can be realised in combating malware through close collaboration with government agencies, internet providers and the broader cybersecurity community.

After 9 July 2012, for various technical and operational reasons, internet users infected with DNSChanger malware would effectively be unable to use their internet service unless the infection was removed from their computing device and the correct internet settings were established.

As part of its response to this looming 9 July 2012 deadline, in March 2012 the ACMA—in collaboration with DBCDE and CERT Australia—established a diagnostic website ([dns-ok.gov.au](http://dns-ok.gov.au)) where internet users could check whether the DNSChanger malware was present on their device. If a user was infected, [dns-ok.gov.au](http://dns-ok.gov.au) provided tools and information to help them remove the malware and restore their internet settings. In parallel, the ACMA provided internet providers with information to help them identify infected customers on their networks. These customers could then be directed to [dns-ok.gov.au](http://dns-ok.gov.au) for assistance.

The website attracted 1.65 million unique visitors by 9 July, including 1.1 million in the four-day period from 6–9 July 2012.

This coordinated activity resulted in a significant reduction in the number of Australian internet users infected with DNSChanger by the 9 July 2012 deadline—with only 5,000 estimated to be affected at the cut-off date.

The ACMA's assistance continued after 9 July, when it provided a downloadable guide on [dns-ok.gov.au](http://dns-ok.gov.au) to help those users who lost access to the internet. This guide instructed users how to manually reconnect to the internet by altering a device's settings. The guide was downloaded 26,000 times after 9 July.



## International matters

The international communications and media environment continues to evolve at a rapid rate, with the key drivers being the move to next generation networks (NGNs) and the converging of communication services. During the reporting period, the ACMA pursued a defined international engagement strategy to complement its overall strategic direction. Improving its ability to influence regulatory outcomes—as well as supporting the ACMA's aspirational objective to be, and be recognised as, the world's leading converged communications regulator—are objectives of the international engagement strategy. The ACMA engages internationally to:

- > meet its strategic objectives and legislative requirements where these require international activity, including the areas of online content, spam, e-security, cybersafety, radiocommunications and telecommunications
- > support Australia's domestic needs and whole-of-government objectives, including trade, international competitiveness and regulatory capacity
- > support external positioning objectives, which uphold the ACMA as a credible source of advice to government and industry on international matters.

Major international engagement activities undertaken by the ACMA in the reporting period included:

- > Leading an Australian delegation at the ITU World Telecommunication Standardization Assembly 2012.
- > Participating in the Australian delegation to the ITU World Conference on International Telecommunication 2012.

- > Leading an Australian delegation to the first Asia-Pacific Telecommunity Preparatory (APT) Group for the 2015 World Radiocommunication Conference.
- > Participating in the Australian delegation to the 36th Session of the APT Management Committee.
- > Undertaking international fact-finding missions; for example, ACMA Deputy Chair Richard Bean visited Washington, D.C. in April 2013 to meet with the National Center for Missing and Exploited Children, Federal Trade Commission, Family Online Safety Institute and Federal Communications Commission to discuss cybersafety, unsolicited communications, Wi-Fi and spectrum and incentive auction issues.
- > Establishing and maintaining strategic relationships with relevant international stakeholders by developing formal memoranda of understanding and attending bilateral meetings; for example, ACMA Chairman Chris Chapman spoke at the Ericsson 'Broadband for all' Seminar in Stockholm in June 2013, where he reported on the success of the digital dividend spectrum auction, promoted the Region 3 APT 700 MHz band plan and outlined the ACMA's thinking on regulatory reform in the networked society.
- > Hosting delegations and visitors from relevant overseas regional authorities and regulatory agencies, both to share information about Australia's communications and media environment, and to learn about potential regulatory better practice.
- > Undertaking capacity-building, education and development activities for representatives of national regulatory agencies in the Asia-Pacific region.

Part of the ACMA's engagement strategy involves developing relationships with fellow regulators, together with strengthening bilateral relationships with regional authorities and standards development bodies.

The ACMA continues to have a strong involvement with the APT—a peak regional ICT body that coordinates the views of member countries on telecommunications and radiocommunications, and represents them more widely at an international level, particularly to the ITU.

See more on the ACMA's international radiocommunications activities on page 56.

### **Hosting delegations from overseas communications regulators**

The ACMA hosts a number of overseas visits to Australia from representatives of other communications regulators, government and non-government organisations. These visits facilitate collaboration and information exchange on communications policy and regulation issues. During 2012–13, the ACMA hosted international visitors from countries including Singapore, People's Republic of China, Canada, Indonesia, Republic of Korea, Thailand and Botswana. Topics discussed included spectrum management, spectrum monitoring, spectrum planning, licensing, the Do Not Call Register, broadcasting regulation and the technical transition to digital television, and associated digital dividend restack.

### **Trans-Tasman Mutual Recognition Agreement**

The ACMA met with the New Zealand Ministry of Economic Development in March 2013. This was part of the ACMA's continuing activities to harmonise the standards and compliance arrangements for radiocommunications and EMC under the Trans-Tasman Mutual Recognition Agreement (TTMRA). The agreement, between the federal, state and territory governments and the New Zealand Government, aims to remove regulatory barriers to trade in certain goods and services between Australia and New Zealand.

### **INHOPE**

The ACMA is a member of the International Association of Internet Hotlines. INHOPE member hotlines deal with complaints about illegal internet content, mainly child abuse material. The association is partly funded by the European Commission under the hotline component of its Safer Internet Plus program.

The ACMA was represented at the INHOPE members' meetings held in Amsterdam from 19–22 November 2012 and Riga from 23–25 April 2013. Members' meetings provide a valuable forum for exchanging information and expertise on investigation techniques, hotline promotion, staff welfare and other hotline management issues.

See also the infographic *Combating online child abuse—here and overseas* on page 110.



## Chapter 3

Content  
regulation and  
consumer  
information



Chapter 3 reflects the ACMA's key result areas related to:

- > Outcome 1: A communications and media environment that balances the needs of the industry and the Australian community through regulation, education and advice
- > Program 1.2: Consumer safeguards, education and information.

The ACMA's responses to the performance information set out below for Program 1.2 can be found throughout the chapter.

#### **Program 1.2: Consumer safeguards, education and information**

##### **Program 1.2 Key performance indicators**

- > The community has access to sufficient information to enable it to make informed decisions about communications products and services.
- > Effective community safeguards are implemented and maintained.
- > Research is undertaken, and stakeholders engaged, to maximise the extent to which information, standards and safeguards address the broad concerns of the community.

##### **Program 1.2 Deliverables**

- > Deliver information programs to raise awareness of rights, obligations and safety issues.
- > Make reports on industry compliance with statutory consumer safeguards available within required timeframes.
- > Develop educational and research initiatives to underpin Cybersafety program.
- > Undertake consultation at regular intervals to receive information and advice on matters affecting consumers of communications services.
- > In cooperation with industry, undertake reviews of communications standards, codes and determinations within appropriate timeframes.
- > Raise awareness of Australia's spam legislation among consumers, businesses and the e-marketing industry through education programs and publications.

## The ACMA's role

The ACMA's role includes informing the community about communications matters and delivering effective consumer protection. To this end, the ACMA provides information to facilitate informed decisions about communications products and services. Industry-developed codes of practice set out the requirements to meet service and information provision obligations.

### Australian content

The ACMA monitors commercial television broadcasting licensees' compliance with the Broadcasting Services (Australian Content) Standard 2005 using its Australian content database. This database contains information provided by the three commercial television networks—Seven, Nine and Ten—under a self-reporting system about the programs broadcast by their metropolitan services. The ACMA also collects compliance information from regional commercial television licensees, including network affiliates and independent broadcasters.

The Australian Content Standard requires all commercial television licensees to broadcast an annual minimum transmission quota of at least 55 per cent Australian programming between 6.00 am and midnight, including first-release and repeat programs. In addition, there are specific minimum annual sub-quotas for first-release Australian drama, documentary and children's programs, as well as sub-quota requirements for repeat children's programs and Australian preschool programs to be met by licensees on their core/primary commercial television service.

The annual quota requirements for first-release Australian programs are:

- > drama—250 points, with 860 points for the three-year period 2011–13. The point system is calculated on the program duration multiplied by format factor, which reflects the relative costs and risks associated with the production of particular drama genres
- > documentary—20 hours
- > children's (C) programs—130 hours, including 25 hours of C-drama programs each year and 96 hours of C-drama programs for the three-year period 2012–15.

In 2012, the amount of Australian programming broadcast between 6.00 am and midnight reported by the metropolitan networks averaged more than 55 per cent:

- > the Seven licensees averaged 67.94 per cent (66.88 per cent in 2011)
- > the Nine licensees averaged 67.86 per cent (66.22 per cent in 2011)
- > the Ten licensees averaged 60.19 per cent (62.21 per cent in 2011).

All metropolitan commercial television broadcasting licensees reported meeting the Australian content requirements in 2012. Compliance results for regional commercial television broadcasting licensees for 2012 were not available at the time of publication.

Following the introduction of the *Broadcasting Legislation Amendment (Convergence Review and Other Measures) Act 2013*, from 1 January 2013, commercial free-to-air broadcasters are required to meet an Australian content quota across non-core television services (multi-channels). For 2013, this requirement is 730 hours, increasing to 1,460 hours in 2015 and beyond. As with the Australian Content Standard, compliance with the new rules is based on a calendar year, with 2013 results likely to be available in 2013–14.

### Australian content in advertising

Television Program Standard 23—Australian Content in Advertising requires that at least 80 per cent of advertising broadcast each year by commercial television broadcasting licensees between 6.00 am and midnight comprises Australian-produced advertisements.

The three commercial television networks report to the ACMA annually on the amount of Australian advertising they broadcast. In addition, the Commercials Advice Pty Ltd (CAD), wholly owned by Free TV Australia, provides the ACMA with the numbers of advertisements it has classified as Australian or foreign. While the Australian Content in Advertising Standard regulates advertisements actually broadcast, the ACMA uses the CAD information to monitor trends in Australian and foreign content in advertising.

In 2012, the amount of Australian advertising broadcast reported by the metropolitan networks averaged significantly more than 80 per cent:

- > the Seven licensees averaged 88.52 per cent (86.48 per cent in 2011)

- > the Nine licensees averaged 89.67 per cent (90.17 per cent in 2011)
- > the Ten licensees averaged 83.33 per cent (84.73 per cent in 2011).

### Australian music code

Code 4 of the Commercial Radio Codes of Practice sets quotas for the broadcast of Australian music by commercial radio licensees, for analog and digital-simulcast services.

The Australian Music Performance Committee (AMPCOM) monitors and reports on commercial radio stations' compliance with their obligation under Code 4.

AMPCOM's most recent annual report on the performance of Commercial Radio Australia members in relation to Code 4 is available on its website.

### Children's television

Compliance with the Children's Television Standards 2009 (CTS) is a licence condition for all commercial television broadcasting licensees. The CTS require these licensees to broadcast a combined total of at least 390 hours of children's (C) and preschool (P) programs each year, with a minimum of 260 hours of C-classified and 130 hours of P-classified programs annually. These are the C and P quotas. The Broadcasting Services (Australian Content) Standard 2005 requires that 50 per cent of the C-quota must be first-release Australian programs and that all P-programs are Australian programs.

For programs to count towards these quotas, they must meet certain provisions outlined in the CTS, including the requirements for the programs to be classified by the ACMA before being broadcast and to be shown within specified time periods. The ACMA monitors compliance with the CTS through its Australian content database and the self-reporting notification regime under which commercial television broadcasting licensees currently report to the ACMA.

In 2012, the amount of first-release Australian children's drama broadcast reported by the metropolitan networks averaged more than the 25-hour quota:

- > the Seven licensees averaged 32.5 hours (33 hours in 2011)
- > the Nine licensees averaged 32 hours (33.5 hours in 2011)
- > the Ten licensees averaged 25 hours (39.5 hours in 2011).

All metropolitan licensees reported meeting the minimum quota requirements for children's programming in 2012. The 2012 CTS compliance results for regional commercial television broadcasting licensees were not available at the time of publication.

### Children's and preschool programs

During 2012–13, the ACMA assessed 38 children's and preschool programs or series of programs, granting classification to 37 of them. This compares with 30 programs assessed and 28 granted classification in 2011–12 (see Table 33).

Of these program classifications, 100 per cent were completed within 60 days of the ACMA receiving a completed application.

A list of children's television consultants and programs granted C or P classification is in Appendix 5.

Table 33: Children's and preschool program classification

	2011–12		2012–13	
	Applications granted classification	Applications refused classification*	Applications granted classification	Applications refused classification*
Children's programs	6	0	9	1
Children's programs—drama	6	1	12	0
Provisional—children's	10	0	8	0
Provisional—preschool	0	0	2	0
Preschool programs	6	1	6	0
<b>Total</b>	<b>28</b>	<b>2</b>	<b>37</b>	<b>1</b>

\*These programs failed to satisfy the criteria in the CTS.

## Declaration of primary services

From 1 January 2009, commercial television broadcasting licensees have been authorised to provide up to three multi-channelled commercial television broadcasting services in digital mode under each commercial television broadcasting licence during the simulcast period for a licence area. This is in addition to the pre-existing analog service.

The three services are two 'standard definition' television (SDTV) multi-channelled services and one 'high definition' television (HDTV) multi-channelled service. During the simulcast period, one of the SDTV services must be the analog simulcast.

In practice, a number of regulatory obligations apply differently to an analog service and its digital simulcast than to other multi-channelled services. These include the provisions in the Commercial Television Industry Code of Practice, television program standards and anti-siphoning provisions.

**Table 34: Primary commercial television broadcasting services after the end of a simulcast period**

Licence area	Service licence number	Primary commercial television broadcasting service
Adelaide TV1	SL120	Ten
Adelaide TV1	SL121	Nine
Adelaide TV1	SL122	7
Tasmania TV1	SL132	WIN Network
Tasmania TV1	SL133	Southern Cross Television
Tasmania TV1	SL 1150806	Ten Tasmanian Digital Television
Perth TV1	SL 10161	7
Perth TV1	SL 10162	Nine
Perth TV1	SL 10163	Ten
Brisbane TV1	SL 109	7
Brisbane TV1	SL 110	Nine
Brisbane TV1	SL 111	TEN
Regional Queensland TV1	SL 113	Southern Cross TEN
Regional Queensland TV1	SL 115	7
Regional Queensland TV1	SL 116	WIN
Geraldton TV1	SL 10418	GWN7
Geraldton TV1	SL 1130046	TEN West
Kalgoorlie TV1	SL 10416	GWN7
Kalgoorlie TV1	SL 1130048	TEN West
South West and Great Southern TV1	SL 10417	GWN7
South West and Great Southern TV1	SL 1130049	TEN West
Western Zone TV1	SL 4747	GWN7
Western Zone TV1	SL 1130047	TEN West
Remote and Regional Western Australia TV1	SL 10048	WIN
Darwin TV1	SL 10172	NINE
Darwin TV1	SL 10173	Southern Cross Television
Darwin TV1	SL 1130013	TEN Darwin

Where there is an analog commercial television broadcasting service—for example, after the end of the simulcast period for a licence area or for commercial television broadcasting services that only deliver a service in digital mode—the ACMA may declare that one of the SDTV multi-channelled services is a ‘primary commercial television broadcasting service’ (primary service), to which certain regulatory obligations will apply. The ACMA is also authorised to declare up to three of the SDTV multi-channelled services to be primary services for licences allocated under section 38C of the BSA. These licences are used to provide satellite-delivered services as part of the VAST services.

In 2012–13, the ACMA made primary service declarations as the end of the simulcast periods approached for each licence area (see Table 34).

### High definition broadcasting

Part 4 of Schedule 4 of the BSA provides for broadcasters to meet HDTV quota standards. Each commercial or national television broadcasting service in a mainland metropolitan area is required to transmit a quota of 1,040 hours of HDTV programming per calendar year, until the end of the simulcast period in the licence area (analog switch-off). The HDTV obligations also apply to a number of broadcasters in non-remote areas. The ABC and SBS are permitted to ‘up-convert’ their analog or SDTV programs to HDTV.

Broadcasters required to meet the HDTV quota must report compliance information to the ACMA twice a year. Interim reports must be given for the first six months of the calendar year, followed by consolidated reports for the full 12 months. Records must be kept for 18 months after the transmission was first reported to the ACMA.

The compliance results of national and commercial television broadcasters in the mainland metropolitan areas are in Table 35.

In 2012, the commercial and national television broadcasters required to transmit the HDTV quota, complied with the quota for the period, with the exception of Prime Television (Southern) Pty Ltd (CBN). CBN failed to meet the pro rata quota amount before the end of the simulcast period in Southern New South Wales TV1 licence area; however, the licensee undertook to broadcast the full quota requirement across the calendar and reported an annual quota of 1,283 hours.

### Subscription television drama expenditure

The new eligible drama expenditure scheme requires licensees and channel providers that provide subscription television drama services to spend at least 10 per cent of their annual total program expenditure on eligible drama programs during a financial year. If the 10 per cent expenditure requirement is not met in the current financial year, the shortfall amount must be made up the following year.

To be eligible, a drama program must be an Australian or New Zealand production or co-production, and must not have been televised in Australia or New Zealand on a broadcasting service at any time before the expenditure on the program is incurred. While the scheme imposes a spending obligation on licensees and channel providers for Australian and New Zealand programs, there is no broadcasting requirement.

The BSA defines a subscription television drama service as a service devoted predominantly to drama programs; that is, more than 50 per cent of the programming consists of drama programs.

**Table 35: HDTV quota, 2012**

Broadcaster	HDTV hours (range hh:mm)
ABC	8458:00
SBS	8748:00
Seven Network	1272:56 to 1430:31
Nine Network	All reported 3504:26
Ten Network	3875:15 to 3919:10

Each year, scheme participants are required to provide annual returns by 29 August. As a result, only 2011–12 information is available for this annual report. For the 2011–12 compliance period, six licensees and seven channel providers supplied 28 eligible drama channels. All participants met their expenditure obligations for this period, reporting an expenditure on new eligible Australian drama of \$24 million (aggregated). Of that expenditure, \$6.8 million was nominated to acquit the expenditure shortfall for 2010–11. Similarly, for 2012–13, licensees and channel providers must spend a minimum of \$6.4 million on new eligible programs to acquit the remaining 2011–12 obligation.

### Captioning

The government amended the captioning obligations in the BSA on 28 June 2012 to improve access to television by people with a hearing impairment.

Key changes included new captioning targets for commercial and national television broadcasters, extending captioning obligations to subscription television and the requirement for a Television Captioning Quality Standard, which came into effect on 5 June 2013.

The annual captioning targets for commercial and national television are 90 per cent of the broadcast time of core or primary services (between 6 am and midnight) for 2012–13, extended to 100 per cent by 1 July 2015. Commercial and national television services are also required to provide a captioning service during certain hours and programs.

For subscription television services, there are different annual captioning targets for different service categories. These captioning targets progressively increase until they reach 100 per cent of the transmission time of a service.

Given the important role that captioning has in contributing to social equity, the ACMA consulted with both industry and users of captions to develop the Television Captioning Quality Standard. The object of the Television Captioning Quality Standard is to make sure that captioning services are meaningful to viewers. The standard sets rules about the quality of captions for television services requiring them to be readable, accurate and comprehensible.

During the reporting period, the ACMA released a series of informational videos, with both captioning and Auslan (sign language) translation, to help make caption users aware of the television captioning rules and captioning quality standard. The ACMA also established the Technical Captioning Committee (TCC), comprising key stakeholders from the television industry and captioning service providers, in order to help minimise captioning technical problems. The TCC met for the first time in May 2013 and is expected to meet at least annually.

The amendments to the BSA also allow television services to apply for exemption orders (to exempt them from captioning obligations) and target reduction orders (to reduce their annual captioning targets) for one to five financial years. The ACMA can make an exemption or target reduction order for a specified television service if it is satisfied that not making the order would cause unjustifiable hardship to the applicant (the licensee).

In December 2012, the ACMA received 94 applications for exemption orders and 10 applications for target reduction orders. The ACMA refused 17 applications and made 87 orders. Of the 87 orders made by the ACMA, 82 were exemption orders and five were target reduction orders. Most of these orders were for subscription television services, with three target reduction orders for commercial television services.

The ACMA met the statutory requirement to make a decision on each application for exemption or target reduction order within 90 days after receiving the application. This tight time frame was achieved while managing an increased volume of activity to implement the captioning amendments—for example, developing the new captioning quality standard and enhancing compliance monitoring systems.

## Consumer safeguards

The ACMA monitors and reports on the service performance and compliance of telecommunications companies, including against consumer safeguards that establish minimum performance standards and information obligations.

### **Contemporary community safeguards inquiry**

The BSA establishes a framework that combines direct regulation (through standards and legislation) with co-regulation (through the development and registration of industry codes). Codes of practice in particular have been a key plank of broadcasting regulation in Australia since 1992. Regular reviews of the broadcasting codes have resulted in incremental changes and improvements to individual codes. However, no comprehensive review of the principles underpinning these codes has been undertaken.

Given the significant changes in the media landscape over the last 20 years, it is timely to conduct an overarching and in-depth consideration of the core principles that should guide contemporary broadcasting codes of practice. To this end, the ACMA commenced the *Contemporary community safeguards inquiry* (CCS inquiry) in the first half of 2013.

The inquiry is seeking to:

- > identify the core matters or concepts that are of enduring relevance and significance to contemporary broadcasting audiences and markets, notwithstanding the pressures of convergence
- > consider the fundamental justification for future codes-based regulatory intervention for those enduring matters or concepts
- > explore how these matters may be most appropriately addressed by broadcasting codes in a converged media and communications framework, where code-based regulation continues to be justified.

The ACMA has an open and consultative approach to the inquiry and is asking for citizen and industry views. It will draw on this information to issue guidance on how these matters may best be addressed in contemporary codes of practice.

As part of this process, in June 2013 the ACMA released an issues paper seeking submissions from all interested stakeholders. It also held a series of *Citizen conversations*, with themes of classification, decency, accuracy, fairness, advertising and privacy. An industry workshop was also held for broadcasters on handling complaints under the codes of practice. Each forum featured contributions from subject matter experts, academics, practitioners and other industry stakeholders. The ACMA is also conducting targeted community and economic research.

The CCS inquiry is expected to conclude in the next reporting period.

### **Registration of the TCP Code**

The ACMA registered the TCP Code on 1 September 2012. The code provides improved community safeguards in the areas of advertising, pre-sale information, billing, spend management and complaints-handling.

See *Telecommunications compliance* on page 92 for more information on the TCP Code.

### **International mobile roaming standard**

In June 2013, the ACMA made a standard on international mobile roaming (IMR), with the first measures to take effect from 27 September 2013. The IMR Standard was developed in response to a direction from the minister to make a standard by 27 June 2013. It requires providers to give consumers information about the cost of roaming when overseas and enable them to opt out of roaming services, in order to help minimise the risk and incidence of bill shock. The IMR Standard also requires CSPs to offer their customers spend management tools to help them manage expenditure while travelling.

The standard builds on the principles of transparency and timely information provision underpinning the TCP Code. In developing the standard, the ACMA held workshops, released a discussion paper and undertook two rounds of public comment and targeted consultation with stakeholders.

## Telecommunications Industry

### Ombudsman (TIO)

Carriers and eligible CSPs have an obligation under the TCPSS Act to join the TIO scheme. The TIO scheme provides an alternative dispute resolution service for small business and residential customers with unresolved complaints about their telephone or internet services.

The TIO may investigate, make determinations and give directions on complaints about carriage services by end users of those services. The TIO has the authority to make binding decisions up to the value of \$30,000 and recommendations up to the value of \$85,000.

### TIO scheme membership

Section 128 of the TCPSS Act requires that all CSPs (including internet service providers) that provide services to residential and small business customers must join the TIO scheme.

From 1 July 2012 to 30 June 2013, the TIO referred 18 companies that had not joined the TIO scheme to the ACMA. Nine of these matters have been resolved by companies joining the TIO scheme. The ACMA found four companies were not eligible to join the TIO scheme.

The other five referrals remain the subject of ACMA investigations.

### Non-compliance with the TIO scheme

In November 2011, the ACMA commenced proceedings in the Federal Court against a Canberra-based ISP, Bytecard Pty Ltd. The proceedings allege failure to comply with five remedial directions issued by the ACMA. On 1 February 2013, the Court found that Bytecard was in breach of the TIO scheme and the TCPSS Act and awarded \$75,000 in civil penalties against Bytecard, along with \$37,500 against its director Brian Morris. The penalties were based on five occasions between 2006 and 2011 where Bytecard failed to comply with TIO determinations.

In delivering judgment, Justice Foster said:

The provision of telecommunications services is a very important feature of modern society. There are many organisations involved in the provision of those services at various levels. The need for those organisations which deal directly with the public to behave in a manner which complies with relevant statutory provisions, the terms of their contracts and appropriate professional standards is obvious.

The judgement sends an important reminder to the telecommunications industry about the primacy of the TIO scheme and the importance of complying with the umpire's decision in the industry's alternative dispute resolution process.

### Exemptions from the TIO scheme

Section 129 of the TCPSS Act allows the ACMA to declare a carrier or eligible CSP exempt from the TIO scheme.

In 2012–13, the ACMA granted two exemptions from the obligation to join the TIO scheme.

### Universal service obligation

Part 2 of the TCPSS Act establishes a universal service regime administered by the ACMA, which includes the universal service obligation (USO).

The USO is the obligation placed on universal service providers to make sure that standard telephone services, payphones and prescribed carriage services are reasonably accessible to all people in Australia on an equitable basis, wherever they reside or carry on business.

Telstra continues to be the only universal service provider and is responsible for all areas in Australia. The ACMA monitors Telstra's performance in fulfilling these obligations and reports on these matters in its annual communications report.

For information about USO funding and eligible revenue assessment, see page 73.

### Payphone performance

As the current universal service provider, Telstra must provide payphones that are reasonably accessible on an equitable basis to all people in Australia. This obligation covers the supply, installation and maintenance of payphones.

In October 2012, the ACMA assessed Telstra's compliance against the Telecommunications Universal Service Obligation (Payphone Performance Benchmarks) (No. 1) 2011 for the period 1 January 2012 to 30 June 2012, which was the first assessment period for this new safeguard. The Payphone Performance Benchmarks require Telstra to meet specified standards for repairing payphone faults. The ACMA determined that Telstra met the required benchmarks, and no enforcement action was required.

In 2012–13, the ACMA made the Telecommunications (Payphone Consultation Document) Guidelines 2012. When Telstra is proposing to remove the last payphone from a site, it must prepare and publish a payphone consultation document (PCD), in a format compliant with these Payphone PCD Guidelines.

Under the Telecommunications Universal Service Obligation (Payphone Complaint Rules) Determination 2011, the ACMA has a complaints-handling role for Telstra's removal or relocation of payphones. The ACMA's role is effectively as an 'office-of-last-resort'; that is, where the matter has not been resolved directly with Telstra to the complainant's satisfaction.

In 2012–13, the ACMA received one complaint to have a payphone relocated. The ACMA finalised this review within the reporting period and found that Telstra had complied with its SMP and other agreed processes.

### **Customer Service Guarantee**

The ACMA monitors and publishes the performance of qualifying CSPs against time frames specified in the Telecommunications (Customer Service Guarantee) Standard 2011 (the CSG Standard), and the Telecommunications (Customer Service Guarantee – Retail Performance Benchmarks) Instrument (No. 1) 2011 (CSG Benchmarks Instrument). To help monitor the time frames contained in the CSG Benchmarks Instrument, the ACMA made CSG record-keeping rules (RKR)s in the previous reporting period.

In October 2012, the ACMA assessed the compliance of qualifying carriage service providers against the CSG Benchmarks and RKRs and determined no enforcement action was required.

The ACMA also receives notification of exemptions claimed by CSPs for mass service disruptions and monitors this information to determine that the requirements for claiming exemptions have been met. The number of mass service disruption notices (not including extensions) received by the ACMA from carriers/CSPs increased from 176 in 2011–12 to 265 in 2012–13 (see Table 36).

### **Network Reliability Framework**

The Network Reliability Framework (NRF) is a three-tiered compliance and reporting framework that aims to improve the reliability of Telstra's fixed-line telephone services for customers who have five lines or fewer. The NRF complements other consumer safeguards such as the USO and the CSG Standard discussed above. It provides information on the general reliability of the Telstra network and also addresses the areas of worst performance, with a primary focus on customers who experience ongoing problems with service reliability.

Under the NRF, Telstra is required to provide the ACMA with network performance reports at three levels:

- > Level 1—geographical area level, based on Telstra's field service areas
- > Level 2—disaggregated parts of the network known as cable runs
- > Level 3—the individual service level.

Table 36: Mass service disruption notices, by carrier/CSP

Carrier	No. of notices
Telstra	52
iiNet	52
Optus	49
Eftel group	44
Dodo	37
M2	29
Primus	2
<b>Total</b>	<b>265</b>

*Primus was acquired by the M2 Group on 1 June 2012 and since December 2012 Primus exemption notifications have been reported in the M2 Group notifications.*

All Telstra services covered by the CSG are included (that is, residential and small business customers with five lines or fewer). The Level 1 reports are published by Telstra on a monthly basis showing the reliability of services nationally and on a disaggregated basis. The Level 2 requirement is for Telstra to undertake remediation work on a minimum of 40 of the worst-performing cable runs each month to improve reliability and provide reports on these remediations. There is a requirement for the average network event volume to be reduced by 90 per cent in the six-month period following remediation on those cable runs. If this requirement is not met, Telstra may be required to undertake further remediation work on the cable run concerned.

The ACMA is required to approve the initial selection of cable runs in line with a prescribed formula and to receive reports on the remediations. Where a remediation time frame has not been met, and the reasons for this match specific requirements, the ACMA can grant an extension of the remediation time frame. The ACMA approved all cable run lists provided in 2012–13 and granted 33 extensions of time for remediation of cable runs in the reporting period.

The Level 3 requirement is for Telstra to remediate individual services that have experienced more than three fault or service difficulties in a 60-day rolling period or more than four fault or service difficulties in a 365-day calendar period. The ACMA is required to approve a proposed remediation plan for the services. In 2012–13, Telstra reported 2,553 Level 3 contraventions, for which the ACMA approved all submitted remediation plans.

Service performance under the NRF is reported in the ACMA's annual communications report.

### **Priority assistance**

Priority assistance is an enhanced telephone connection and repair service for people with a diagnosed life-threatening medical condition who are at risk of suffering a rapid, life-threatening deterioration in their condition. The service gives residential customers access to a reliable, fully operational home telephone service to call for assistance when needed.

Priority assistance customers are entitled to faster connection and fault repair times—24 hours in urban and rural areas, and 48 hours in remote areas—as well as greater service reliability. If a priority assistance customer experiences two or more faults in a three-month period, substantial telephone service testing is undertaken by the carrier.

If a CSP receives an enquiry from a prospective residential customer about the supply of a standard telephone service (STS), and the CSP does not offer a priority assistance service, the CSP must inform them that it does not offer priority assistance in connection with the STS. The CSP must also provide the names of one or more CSPs from whom the customer can obtain a priority assistance service. The ACMA received one complaint about these requirements in 2012–13 and began an investigation that will conclude in 2013–14.

It is a condition of Telstra's carrier licence that it implements an effective priority assistance service. Telstra's priority assistance performance is reported in ACMA data bulletins made available on its website.

The licence condition requirements for priority assistance only apply to Telstra. During 2012–13, Primus provided a priority assistance service consistent with the requirements specified in Industry Code ACIF C609:2007 *Priority Assistance for Life Threatening Medical Conditions*, which was first registered in 2003. Optus also provides a priority service—the Optus Special Assistance Service—for its customers with life-threatening medical conditions in accordance with its own guidelines, rather than the registered code.

### **Transition of legacy over-the-top services to the NBN**

In December 2012, the ACMA and Communications Alliance convened a working group of industry participants and other stakeholders to discuss the transition of analog personal and medical alarms to an NBN environment. The major outcome of this meeting was the establishment of the NBN over-the-top services transition working group, which includes representatives from the security industry. The working group has considered how to manage the communications and technical aspects of the transition; for example, testing the various devices. The ACMA is represented on this working group.

## **NBN-related web materials**

During the reporting period, the ACMA published a suite of online materials to help both consumers and industry with the transition to the NBN. This included modified content on existing regulatory obligations and links to other websites such as that of NBNCo. Work also began on new material to help end users make informed choices about NBN service offerings.

## **Local presence plan**

Under its licence conditions, Telstra is required to maintain a local presence in regional, rural and remote Australia, to the extent that this is broadly compatible with its overall commercial interests. It is also required to report on its performance against the plan to both the ACMA and the minister. The ACMA must publish the approved local presence plan and has a role in enforcing this and other licence conditions.

In accordance with Telstra's carrier licence conditions, the ACMA received Telstra's report on performance against the Local Presence Plan for the previous reporting period (2011–12) on 27 August 2012.

## **National Relay Service**

The ACMA developed and published the *National Relay Service performance report 2011–12*, which was tabled in parliament on 18 March 2013. The report details contractor delivery of the relay and outreach components of the National Relay Service. This is the final performance report to be produced by the ACMA, with contract management responsibilities handed over to TUSMA on 1 July 2012.

## **Consumer Consultative Forum (CCF)**

The CCF is a formal advisory committee to the ACMA established under section 59 of the ACMA Act to help the ACMA perform its consumer functions. It provides advice to the ACMA on communications issues (mainly telecommunications and the internet) that affect consumers.

This year, new appointees Rex Lai (Chinese Association of Victoria) and Narelle Clark (Internet Society of Australia) joined regulators, consumer representatives and industry bodies at two meetings during the reporting period to discuss topics including:

- > the NBN and its impact on consumers
- > ACMA activities such as the enforcement of the TCP Code and the development of the IMR Standard
- > smartphones and homelessness
- > sales practices in Indigenous communities
- > a wide range of emerging issues such as iPhone software glitches and in-app purchases.

The CCF provides an invaluable cross-sectoral networking opportunity for members to share intelligence and informally work together. For example, NBNCo received valuable feedback on its communications strategies for two stages of the consumer lifecycle. This included the opportunity to draw on a member's experience with the Victorian energy sector as the CEO of a community services agency whose clients experienced difficulties with the rollout of smartmeters.

## **Do Not Call Register**

Under the DNCR Act, the ACMA is responsible for operating the Do Not Call Register, handling consumer complaints and overseeing compliance by telemarketers and fax marketers. Details of compliance activities can be found on page 95.

The register is a secure database where individuals and organisations can list their Australian numbers to opt out of receiving most unsolicited telemarketing calls and marketing faxes. Registration is free. In April 2013, the minister extended the period for which numbers remain listed before registrations expire or must be renewed from six to eight years.

Australian numbers can be registered if they are used or maintained either:

- > primarily for private or domestic purposes
- > exclusively for transmitting and/or receiving faxes
- > exclusively for use by a government body or as an emergency service number.

Australians continue to add their numbers to the Do Not Call Register—more than one million fixed-lines, mobiles and faxes in 2012–13. By 30 June 2013, more than 8.7 million numbers had been listed on the register, representing more than half of Australia’s eligible fixed-line numbers, 300,000 fax numbers and 3.8 million mobile numbers (see Figure 11).

To avoid breaching the DNCR Act, telemarketers and fax marketers are able to submit their call lists for checking against the register. In 2012–13, over 1.2 billion numbers were checked or ‘washed’ against the register.

Many telemarketers and fax marketers operate from outside Australia or employ overseas-based call centres. These operations are subject to the DNCR Act for any telemarketing or fax marketing calls made into Australia. For this reason, a significant proportion of account-holders are based overseas. Outside of Australia, India, the US and the Philippines have the highest number of washing accounts.

In April 2013, purchase of subscriptions for washing numbers by telemarketers and fax marketers changed to an online pre-payment system. This change is expected to reduce administrative costs associated with the collection of fees.

See also *Do Not Call Register access fees and cost recovery* on page 74.

#### **Do Not Call Register consumer awareness**

During 2013, information in six languages was added to the Do Not Call Register website to help people register their phone numbers using a telephone interpreting service.

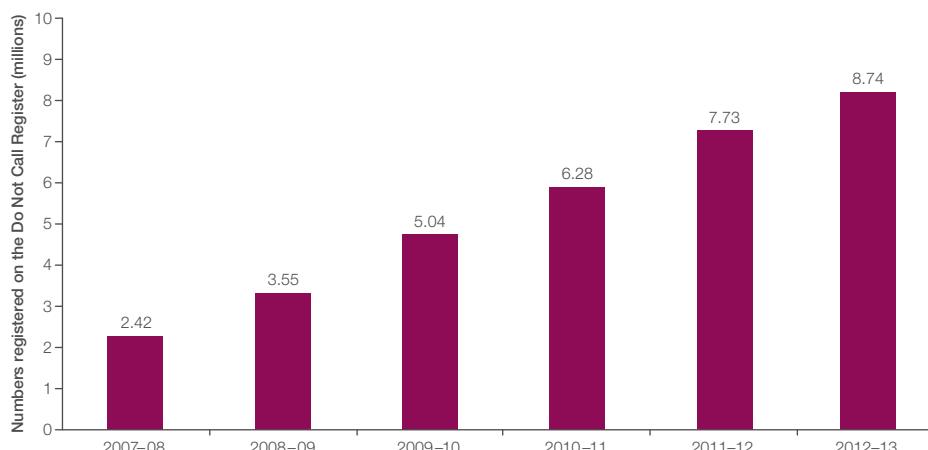
#### **Protection of consumer information**

Part 13 of the Telecommunications Act provides for the ACMA to administer the IPND scheme.

The IPND is an industry-wide database of all listed and unlisted public telephone numbers. It was established in 1998 and is currently managed by Telstra under the Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997.

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**Figure 11: Fixed-line, fax and mobile numbers listed on the Do Not Call Register, 2007–08 to 2012–13**



The IPND scheme allows for the assessment of applications for authorisation for public number directory publishers and researchers of a kind specified by the minister as being in the public interest. In the year to 30 June 2013, no authorisations to access IPND data for the purposes of conducting permitted research were granted. As a result, at 30 June 2013, six entities held authorisations to access IPND data for the purpose of publishing public number directories and three entities held research authorisation. Three of the authorisations relate to electronic public number directories.

See also *Integrated Public Number Database* on page 114.

### **Review of 190 phone service rules**

In March 2013, the ACMA began a review of the Telecommunications Service Provider (Premium Services) Determination 2004 (No. 1), which obliges providers to give customers information about 1900, 1901 and 1902 premium service numbers, including the potential costs associated with these services and how to avoid unexpectedly high bills.

Since the Determination was made in 2004, new business models for providing premium content have evolved and the significance of 190 premium services has steadily declined. A consultation paper was released for public comment. At the end of the reporting period, the ACMA was considering the views of consumers and industry on the effectiveness of the Determination and its ongoing usefulness for regulating 190 premium services. The review will be completed in the second half of 2013.

## **Community awareness**

The ACMA's role includes informing consumers about communications products and services that are available to them, and informing industry and consumers about their communications rights and obligations.

### **Cybersafety – the Cybersmart program**

The ACMA's role includes developing and implementing a national cybersafety education program. This role is conferred on the ACMA under Schedule 5 of the BSA.

In 2012–13, awareness activities focused on the:

- > continuing development and deployment of internet safety presentations and teacher professional development for the Outreach program
- > development of cybersafety education programs and information material for schools, pre-service teachers, parents and libraries.

The ACMA has also proactively focused on evaluating its key Cybersmart programs so that they are demonstrably effective in driving behaviour change for their intended audiences. Program evaluation is built into our program design, both during the development stage and following their implementation.

As part of this program evaluation process, an evaluation of the *Tagged* resource was completed in 2012–13. This report was published in March 2013, and the findings are being used to refine and develop further the *Tagged* suite of resources. The ACMA is also undertaking a consultancy that will help to formalise our approach to program evaluation so we can measure our intended and actual program outcomes. This work will build on our existing evaluation and locate the ACMA at the leading edge of cybersafety program evaluation internationally.

The Cybersmart website continues to be the main portal for the delivery of cybersafety information and resources. The site was relaunched in 2012–13 following a full visual redesign and content is continually refreshed. In the reporting period, there were 626,795 unique visitors and, since its July 2009 launch, there have been over 2.8 million visitors and more than 22 million page views.

Cybersmart has been increasingly active in the social media space over the last 12 months. Our Twitter followers increased from 1,826 at 1 July 2012 to 2,316 at 30 June 2013. The Cloud: Dream On, Cybersmart's Facebook page for teens, launched in October 2012. It features a number of short videos and an app that explore cybersafety issues in a humorous way appealing to teenagers. The page has attracted 4,699 likes, averaging 17.7 new likes per day over the life of the campaign. In summary:

- > 1,505,865 users became friends of fans of the page
- > 3,198,047 users saw content associated with our page
- > 21,591 users engaged with our page (clicked on any piece of content)
- > 167,463 users saw content of ours that was shared by a friend.

The Cybersmart blog, launched in December 2011, had more than 11,000 visits by the end of the reporting period, with over 9,400 of these unique. The blog is primarily aimed at parents, and entries are penned by both the Cybersmart team and a number of external experts in the field. This year's posts featured real-life accounts from parents, students, psychologists and industry representatives.

The Cybersmart Online Helpline, delivered in partnership with Kids Helpline, offers real-time online counselling and advice to young people who are experiencing issues such as cyberbullying, digital reputation management and concerns with online relationships. Kids Helpline counsellors are experts in helping young people deal with their concerns and the service is free and confidential. The Cybersmart program is currently the number one referral point for kids accessing the Kid's Helpline service.

A key new project for this year has been to develop and pilot cybersafety resources that target Indigenous Australians. The government's Consultative Working Group on Cybersafety identified issues related to the misuse of social networking services in Indigenous communities. Responding to this identified need, the ACMA customised its Internet Safety Awareness Presentation to target Indigenous audiences, and piloted this presentation in Western Australia, Queensland and Victoria.

An Indigenous portal is also being developed for the Cybersmart website that will include targeted information and advice, along with a series of short animations highlighting cybersafety issues. A key education resource, Cybersmart Networking, has also been adapted for Indigenous schools. Website content and the Cybersmart Networking adaptation will be released in the next reporting period.

### **Cybersmart Outreach program**

The ACMA provides an extensive and broad Cybersmart Outreach education program for teachers, students and parents across Australia. These presentations and workshops provide valuable information on the risks confronting children online, as well as giving appropriate tools and strategies to help make experiences with online technologies safe and positive. All programs and resources are free.

The Outreach program currently consists of:

- > Internet Safety Awareness presentations to teachers, students, parents and other key stakeholders
- > Professional Development for Educators workshops
- > Pre-Service Teacher Program for teachers in their final year of university
- > Connect.ed—online interactive professional development program for educators.

The Internet Safety Awareness presentations are easy to understand, non-technical and informative, and cover a range of issues including:

- > how children engage with the online world and emerging technologies
- > the potential risks children face when online, such as cyberbullying, identity theft, inappropriate contact and exposure to inappropriate content.

Empowerment and education underpin the presentations, which offer effective strategies to help young people make wise and safe choices within their online communities.

The ACMA has piloted *Get Cyberstarted*, a package of resources prepared exclusively for schools that have registered for an Internet Safety Awareness Presentation. It includes resources for the whole school community, including newsletter articles for parents, teacher resources and classroom activities. The package allows teachers to begin addressing cybersafety in their schools ahead of their scheduled presentation.

The Professional Development for Educators workshops gives teachers a comprehensive understanding of a modern student's technology profile, digital literacy, positive online behaviour, peer and personal safety, and the school and teachers' legal obligation to minimise and address risk. The workshop content has been refreshed to align with the principles in the new National Curriculum. It also allows schools to customise workshops to best suit their specific needs.

*Connect.ed*, an interactive online professional development program for teachers, is designed to complement and build on the Outreach suite of Cybersmart presentations and workshops. Comprising a set of four modules, the program is self-paced and accessible by all teachers across Australia, including casual relief teachers. *Connect.ed* immerses teachers into the online world of young people, giving them the knowledge, confidence and tools to help their students have positive online experiences.

The Cybersmart program for pre-service teachers uses a combined lecture and tutorial approach. It gives trainee teachers up-to-date knowledge, skills and practical advice on cybersafety to complement the core safety skills they will teach to Australian children.

All programs are regularly updated to respond to issues emerging from the changing digital landscape. An evaluation by Griffith University was released in September 2012 indicating that there was strong across-the-board endorsement of the ACMA's Cybersmart Outreach program, and that there was a need for the high-quality presentations and workshops to continue to be available at no cost.

In 2012–13, the ACMA's Cybersmart Outreach program delivered 2,265 presentations to more than 239,000 teachers, parents and students.

Participation in the Professional Development for Educators program continues to be strong, with over 1,700 teachers attending a workshop in 2012–13.

### **Cybersafety education resources**

In 2012–13, the ACMA expanded its range of cybersafety education resources for teachers, parents and students to include Zippep's Astro Circus—Cybersmart's first app-based release. Zippep and his circus friends reinforce the concepts of positive online behaviour through a series of games children aged four to seven play with their parents.

### **Cybersmart Challenge activities**

2012–13 was another successful period for the Cybersmart Challenge activities (formerly known as Interactive Shared Learning). Cybersmart Detectives, Cybersmart Hero and Cybersmart Networking provide in-depth and personalised cybersafety instruction in a safe online environment.

Cybersmart Challenge is a set of school-based online activities to teach children how to stay safe in the online world. Their interactive nature makes them very popular with upper primary and lower secondary school students and teachers endorse them as a valuable learning tool.

In the reporting period, an environmental scan was undertaken to indicate the potential future platform for Cybersmart Challenge activities. The evaluation report supported the effectiveness of the storyline, while proposing options to update the delivery platform to keep it contemporary and appealing. Development of the new platform will begin in the next reporting period. The Cybersmart Detectives script was also revised and new images were developed, with feedback showing that the new script is better suited to the target audience.

During 2012–13, 10,235 students participated in Cybersmart Challenge activities. Since the national launch of Cybersmart Detectives in July 2009, over 49,000 students have now participated in Cybersmart Detectives, Cybersmart Hero and Cybersmart Networking.

Extensive upgrades were also made to the software that supports these programs to improve their usability and accessibility.

Table 37: ACMA cybersafety initiatives

Type of initiative	2012–13	Total to date
<b>Internet Safety Awareness presentations<sup>12</sup></b>		
Events	1,869	7,184
Attendees	204,451	755,087
<b>Professional Development workshops<sup>13</sup></b>		
Events	65	530
Attendees	1,730	13,000
<b>Pre-Service Teacher Program<sup>14</sup></b>		
Events	59	136
Attendees	5,759	13,410
<b>Total events</b>	<b>1,993</b>	<b>7,850</b>
<b>Total attendees</b>	<b>211,940</b>	<b>781,497</b>
<b>Connect.ed Online PD Program<sup>15</sup></b>		
Registered	3,894	9,628
Completed	1,010	2,563
<b>Interactive shared learning—Cybersmart Detectives<sup>16</sup></b>		
Schools	113	863
Students	5,383	33,574
<b>Interactive shared learning—Cybersmart Hero<sup>17</sup></b>		
Schools	74	246
Students	3,048	11,493
<b>Interactive shared learning—Cybersmart Networking<sup>18</sup></b>		
Schools	37	67
Students	1,908	3,954
<b>Key hard-copy resources<sup>19</sup></b>		
<i>Let's Fight It Together</i> DVD	4,864	32,167
<i>Tagged</i> DVD	7,582	17,998
<i>CyberQuoll</i> DVD	2,148	12,775
Cybernetrix	n/a <sup>20</sup>	22,370
Cybersmart brochures	915,773	5,633,849
Other resources	192,734	1,215,972
<b>Total hard-copy resources delivered</b>	<b>1,123,101</b>	<b>6,935,131</b>

12 Internet Safety Awareness programs have been available since January 2009.

13 Professional Development workshops have been available since January 2009.

14 Pre-Service Teacher programs have been available since October 2009.

15 Connect.ed has been available since April 2011.

16 Cybersmart Detectives has been available since January 2008.

17 Cybersmart Hero has been available since June 2010.

18 Cybersmart Networking has been available since November 2011.

19 Cybersmart resources have been available since April 2008.

20 Cybernetrix is no longer delivered in hard-copy format.

### **Key partnerships**

The ACMA works productively with other organisations, both in Australia and overseas, to increase education and awareness about cybersafety. Partners have included government agencies, not-for-profit organisations, corporations and community-based groups, with work including distributing awareness-raising material, supporting events and co-developing content.

The ACMA has memorandums of understanding with NetSafe (New Zealand's online safety advisory body) and Childnet International (UK) to share information and collaborate on cybersafety matters. Other key partners include agencies involved in the government's Consultative Working Group on Cybersafety, of which the ACMA is a member, as well as state and federal police forces and education departments.

In May 2013, the ACMA released *Cybersmart partnerships—Guidelines for working with others on cybersafety and digital citizenship initiatives* for public comment. When finalised, the guidelines will provide a useful framework for maintaining and developing the ACMA's relationships with external organisations to deliver the Cybersmart program. They will also help potential partners to develop proposals for cooperative cybersafety work.

The ACMA supported Privacy Awareness Week (28 April – 4 May 2013) by providing resources for teachers, parents and teens on cybersecurity, keeping personal information safe and identity theft. Students also played Cybersmart Challenge activities during the week. The ACMA was also actively involved in National Cyber Security Awareness Week (20–24 May 2013). As well as a series of virtual classroom presentations to schools across Australia, Cybersmart Challenge activities promoted awareness of online safety and security within the Australian community.

## Case study

# Safer Internet Day

The 10th annual Safer Internet Day (SID) was celebrated on 5 February 2013 in over 90 countries. Each year, Cybersmart coordinates SID activities in Australia and this year conducted a range of innovative activities and events to mark the theme 'Online rights and responsibilities: Connect with respect'. In collaboration with the Victorian and Queensland state education departments, Cybersmart utilised virtual classroom networks, gaining access to a large number of schools to deliver internet safety awareness presentations via video link.

More than 20,800 students in these two states were able to access and listen to the presentation live while viewing the associated slides. Students could also ask the trainer questions and provide their input on cybersafety matters. These virtual classroom presentations made Cybersmart history, reaching the largest ever audience for a single presentation event. In light of this success, Cybersmart is exploring options for ongoing internet safety awareness presentations via virtual classrooms.

Real-time interactivity was also a feature in each of the online Cybersmart Challenge activities—Detectives, Hero and Networking—that were played by 1,815 students across Australia. The live broadcast of Cybersmart's Safer Internet Day radio program was another successful feature of the day. The three-hour internet-streamed program formed the first part of an international radio event and featured interviews with young Australians, teachers and cybersafety experts. Listeners from across Australia, Europe and Asia tuned in for the broadcast.

Cybersmart also launched two new video resources for parents, teachers and young people. Developed in consultation with a focus group of 40 high-school students and parents and teachers at the Cybersafety Youth Advisory Group Summit in October 2012, they received nearly 5,000 combined views online.

The Cybersmart website experienced its busiest day ever on Safer Internet Day, with 9,007 visits. Over 150 news articles and 250 radio stations across the country mentioned the event in their news bulletins. Major supporters and promoters in Australia included Disney, Google, state departments of education, the Alannah and Madeline Foundation, eBay, PayPal, DBCDE, and both state and federal police.



ACMA Deputy Chair Richard Bean (left) joins the Cybersmart Safer Internet Day radio program.

## Digital citizenship

The ACMA contributed to the *Update of the National Digital Economy Strategy: Advancing Australia as a Digital Economy*, which was released by the minister on 12 June 2013. The update sets out a number of government initiatives to enable the digital economy, and the ACMA is developing digital citizenship guidance as one of these initiatives.

## Research and reporting

The research and reporting program helps the ACMA to meet its statutory reporting obligations, make informed decisions as an evidence-based regulator and understand the implications of regulation for communications and media markets.

In the reporting period, the ACMA undertook a range of research into the changing use of, and community attitudes to, communications and media services and technology and market developments, as well as to strengthen the evidence base that underpins its spectrum management function.

### Consumer and audience research

During the year, the ACMA examined consumer and audience attitudes, concerns and service use.

#### **Telco customers—credit management and financial hardship**

Research was commissioned in 2012 as part of the *Reconnecting the Customer* inquiry to examine how often customers of telecommunications services experienced difficulty in paying their bills and the reasons for the difficulty.

The research findings were published in September 2012 on the ACMA website.

#### ***Reconnecting the Customer—tracking consumer outcomes***

Research was commissioned in March 2013 to understand the impact on consumers of changes to the TCP Code following the *Reconnecting the Customer* inquiry. These changes aim to improve the quality of customer care from telecommunications and internet service providers. The research comprised a telephone survey with a representative sample of telecommunications bill-payers, and in-depth interviews were also undertaken. The research findings will help the ACMA track over time the extent to which, in the context of broader and ongoing changes in the telecommunications sector, consumers are:

- > better informed about the nature and cost of the services they choose
- > better able to compare services
- > better able to manage their expenditure on communications services

- > given access to an improved complaints-handling process.

The research findings will be published in 2013–14.

### **Australians and the London 2012 Olympic Games**

In April 2013, the ACMA published a short report on how Australians followed the London Olympics. The report showed that Australians were part of a significant and ongoing global change in how audiences follow major sporting events like the Olympics, with greater levels of multi-screen viewing—for convenience and to connect with others on social media.

The research findings are available on the ACMA website.

### **Community attitudes to gambling advertising in sports broadcasts**

Research was commissioned in May 2013 to identify community attitudes to gambling advertising during sports broadcasts. The findings will help the Authority to register three industry codes of practice covering the promotion of betting odds during live sports broadcasts. The research comprised a series of questions in a nationally representative landline telephone omnibus survey. The research will be published in the second half of 2013.

### **Community attitudes to local content in regional areas**

Community research was commissioned in May 2013 to identify awareness, use and perceived importance of coverage of matters of local significance (regional local content) for Australians living in regional areas. The research also covered preferred sources for accessing local content. Findings will contribute to the ACMA's review of local content requirements for commercial television licensees in regional areas of Australia. The research comprised a series of questions in a representative landline telephone omnibus survey. Results are due to be finalised in the second half of 2013.

### **Contemporary community safeguards—community research**

Community research was commissioned in May 2013 on Australians' attitudes to and expectations of community safeguards in broadcast codes of practice. The research methodology comprised group discussions and a telephone survey of 1,700 Australians aged 16 and over, including mobile-only households. The research results will be published in the second half of 2013 and will inform the ACMA's *Contemporary community safeguards inquiry*.

### **Research on digital citizenship**

Exploratory research was commissioned during 2012 to explore norms of behaviour in online environments, perceptions of cyber-risks and responsibilities, and attitudes to the concept of responsible digital citizenship. The research comprised qualitative research methods with a mix of focus groups, in-depth interviews, ethnographic observation and online discussion groups. Results informed the development of the digital citizenship project.

### **Digital citizenship principles testing**

Research was commissioned in April 2013 to test and refine the formulation of digital citizenship principles through community focus groups and in-depth interviews with industry and other stakeholders. Results will inform the development of digital citizenship guidance and education and awareness activities to promote positive engagement online.

### **Research into online safety**

As part of the Australian Government's cybersafety policy, the ACMA provides a comprehensive national program of cybersafety initiatives, which includes conducting research on current cybersafety trends and developing education materials for schools.

### **Cybersmart brand awareness**

In February 2013, the ACMA commissioned community research to evaluate awareness and perceptions of the Cybersmart brand with its primary target audiences of children, young people and parents. The research findings will be used to guide future Cybersmart communications and promotion activities to respond to target audience needs.

## Australian Internet Security Initiative—provider responses to security-compromised computers

This research report on the operation of the Australian Internet Security Initiative (AISI) was published in October 2012. It identified how participating internet providers act on AISI malware reports and help their customers to resolve malware problems. The research comprised interviews with 24 small, medium and large internet providers across Australia. The report also discusses potential improvements to the AISI. The research findings are available on the ACMA website.

## Unsolicited communications and malware

In May 2012, the ACMA commissioned national qualitative and quantitative research into consumers' experiences with unsolicited telemarketing calls, spam and malware. This research will help the ACMA to better understand and address problems that Australians experience in these areas, and to assess the effectiveness of the Do Not Call Register and protections against spam and malware. The ACMA has released some of the results of this research, and further results will be released in the next reporting period.

## Cybersafety and social networking services

In July 2009, the ACMA published the *Click and connect* series of research on young Australians' use of online social media. To follow up and complement this research, the ACMA commissioned *Like, post, share—Young Australians' experience of social media*. The research explores the perceptions children, young people and parents have of online risks and opportunities, with an emphasis on what strategies young Australians use to protect themselves online. Comprising qualitative and online quantitative research, the results will be published in 2013–14.

## Evaluation of *Tagged* cybersafety education resource

The ACMA commissioned an independent qualitative evaluation of *Tagged*, its key cybersafety education resource for teens. The aim was to test the effectiveness of the film's core messages and potential impact on the online behaviour of teenagers through a series of focus groups comprising young people and teachers across metropolitan and regional locations in NSW and Victoria.

Released in March 2013, the research shows *Tagged* has had an important role in raising awareness about cybersafety issues and that it resonates with its target audience. The majority of research participants had a positive perception of the film, commenting on its engaging format, realistic storyline and relatable characters. Students said it taught them new information and prompted many of them to think of the potential impact on others before posting photos, video content and comments on social networking sites. Teachers considered *Tagged* to be a much-needed resource that fills a gap in available cybersafety education resources for young people.

## Exploratory research into location services

In December 2012, the ACMA published *Here, there and everywhere—consumer behaviour and location services*, along with related exploratory community research. The use of location services is of growing interest to the ACMA, reflecting its regulatory responsibilities in areas like numbering that have historically provided consumer location information. The paper considered consumer expectations of and concerns about the protection of personal information identified in the community research, and the design of appropriate safeguards and risk-management strategies. It also examined the responsibilities of individuals, industry service providers and government.

The paper and report of the research findings are available on the ACMA website.

## Digital identities and digital footprints

Research was commissioned in 2012 on Australians' attitudes to digital identity issues and the range of concerns they have about identity and information management. Comprising online qualitative and quantitative research, the results will be published in 2013–14.

## Regulatory issues research

The ACMA straddles two dimensions—administering existing legislation and regulation (26 Acts and 523 pieces of communications and media regulation) while also working with industry and the community to solve new concerns that are arising in an evolving information economy and networked society.

These tensions and associated issues were systematically explored in a series of papers on communications and media regulatory practice, including an updated edition of *Broken concepts*, the ACMA's analysis of foundational legislative and regulatory concepts. The four papers in the emerging issues series covered:

- > mobile apps
- > near field communications
- > the cloud—services, computing and digital data
- > privacy and digital data protections.

*Connected citizens—A regulatory strategy for the networked society and information economy* also looked at how regulatory practice can be updated and adapted to address enduring matters of public interest while dynamically solving contemporary issues.

### **Communications report series**

The *Communications report 2011–12* fulfilled the ACMA's statutory reporting obligations under section 105 of the Telecommunications Act to report to the minister on the performance of carriers and CSPs, including consumer satisfaction, consumer benefits and quality of service. Tabled in parliament on 6 December 2012, the report presented the latest intelligence, trend data and commentary on the Australian communications and media market in the context of convergence and the emerging digital economy.

The scope of the report has been expanded to take into account portfolio interest in the digital economy, the continued convergence of communications and media services, and the rollout of critical digital economy infrastructure such as the NBN and 4G mobile networks.

The ACMA also produced a suite of targeted reports to complement the statutory report:

- > *Report 1—Online video content services in Australia: Latest developments in the supply and use of professionally produced online video services.* Released on 10 October 2012, this report examines the growth of the commercial online video content market in Australia, including service provider business models and consumer attitudes to and take-up of services such as catch-up TV and internet protocol television.
- > *Report 2—Australia's progress in the digital economy: Participation, trust and confidence.* Released on 15 November 2012, this report analyses levels of engagement in the digital economy in Australia for three broad themes—connectivity, capability and confidence.
- > *Report 3—Smartphones and tablets: Take-up and use in Australia.* Released on 1 February 2013, this report presents ACMA research into the growing importance of smartphones to the mobile services sector and consumers in general. See also the case study on page 143.

The ACMA has committed to the principles of Gov2.0, which help to improve the visibility and reach of its research and reporting program. These reports were disseminated via Facebook, Twitter, webinars and the ACMA's beta website *engage*. Greater emphasis was also placed on making published content more accessible and interactive; for example, by holding a Google Hangout as part of the release of *Online video content services in Australia*.

The communications report series continues to attract considerable external attention and usage, with published reports and related content receiving several hundred mentions in social media forums and nearly 190 references in external media in the reporting period. The reports were also extensively cited in a range of other reports produced by government agencies and private sector organisations.

## Case study

# Report—Smartphones and tablets: Take-up and use in Australia

*Smartphones and tablets: Take-up and use in Australia* is the third in a series of three research reports published as part of the ACMA's *Communications report 2011–12* series.

The series aims to better inform ACMA stakeholders about convergence and the digital economy, and the impact on communications and media services and consumer behaviour. As an evidence-based regulator, the ACMA is interested in analysing the digital economy and the role of digital communications and media in its development.

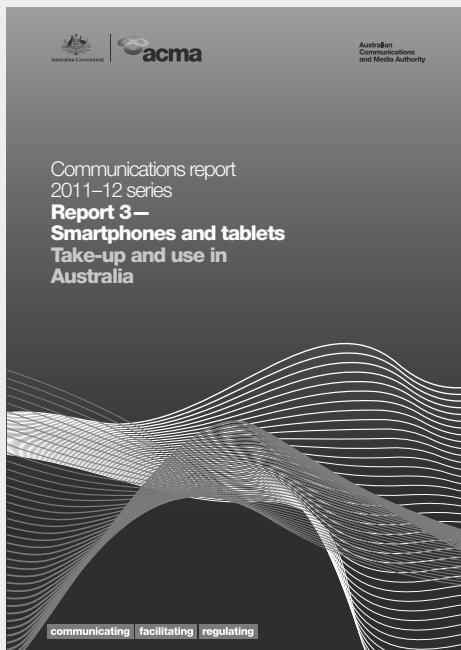
This report provides an overview of the emerging smartphone and tablet market in Australia from two key perspectives:

- > the supply of these services, their delivery models and products available to consumers
- > the take-up of these services, including current levels of service use, and related drivers and barriers to take-up, including the willingness to pay for these services.

The report was released on 1 February 2013 and its key findings, which garnered significant external and media interest, included:

- > Almost half of Australia's adult population now owns a smartphone. Take-up soared by 104 per cent to 8.67 million units over the 12 months to May 2012.
- > 9.2 million Australians went online via their mobile phone and 4.4 million accessed the internet using a tablet in the six months to May 2012. The number of mobile internet subscribers increased by 22 per cent to 22.1 million at June 2012.
- > Compared to other mobile phone users, smartphone users were:
  - > nine times more likely to go online via their handsets
  - > four times more likely to purchase goods online
  - > three times more likely to stream or download audio or video content
  - > three times more likely to pay bills online
  - > twice as likely to access social networking sites.

The report is available on the ACMA website.



## **Chapter 4**

Managing and  
developing our  
resources



Chapter 4 details the ACMA's staffing arrangements, information management, corporate governance, communications and engagement, and financial and property management.

The ACMA continues to focus on strengthening its corporate, financial management and information management frameworks.

## Our people

The ACMA's staffing complement at 30 June 2013 was 580, compared with 618 at 30 June 2012. Comparative staffing details are given in Appendix 3.

Employment arrangements and conditions of work for all non-SES employees of the ACMA are determined by the ACMA *Enterprise Agreement 2011–2014* (the ACMA Agreement). Salary ranges available under the ACMA Agreement are in Appendix 3.

Terms and conditions for the ACMA's 20 substantive Senior Executive Service (SES) employees are contained in common law contracts.

At 30 June 2013, the salary ranges for employees on common law arrangements were:

- > SES1—\$150,154 to \$186,168
- > SES2—\$190,875 to \$209,963.

Non-salary benefits provided to employees on common law arrangements may include:

- > performance bonus
- > retention bonus
- > mobile telephone/BlackBerry/iPhone
- > airline club membership
- > residential broadband service
- > car allowance
- > parking
- > laptop or allowance and printer for use at home
- > outplacement assistance/financial counselling if deemed excess.

At 30 June 2013, 26 employees at ACMA Level 5, ACMA Level 6, Executive Level 1 (EL1) or Executive Level 2 (EL2) had individual flexibility arrangements (IFAs) for additional salary or retention bonuses. The highest additional salary increases the EL2 maximum to \$152,423 per annum and the EL1 maximum to \$119,394 per annum. The maximum retention bonus is \$11,358 per annum.

## Performance payments

Performance pay is available to employees at EL2 level under the ACMA Agreement and to SES employees under common law contracts. Total performance pay paid for 2012–13 for EL2 and SES employees is set out in Table 38.

## Workplace Diversity Program

The ACMA Workplace Diversity Program incorporates APS values and follows the Australian Public Service Commission's *Guidelines on Workplace Diversity*. The program helps the ACMA to:

- > promote the benefits of diversity, for both agency and employees
- > develop and implement actions and achieve results towards diversity targets
- > adhere to its legal responsibilities as an employer
- > increase employee awareness and understanding of workplace diversity issues
- > encourage employees to recognise the benefits of operating within an inclusive work environment.

These diversity principles aim to value the range and variety of skills, abilities and backgrounds in the workplace and the Australian community at large.

The ACMA recognises and values individual differences and aims to raise awareness of the importance of workplace diversity by:

- > including the acknowledgment and acceptance/encouragement of diversity in organisational and individual performance plans
- > making the ability to integrate workplace diversity principles into everyday management practice a key selection criteria for management positions
- > making information available to new employees in induction material

- > providing information to all staff through the agency's intranet.

The ACMA seeks to achieve high-quality equity and diversity outcomes by:

- > supporting equal access to training and development for all individuals and groups
- > ensuring that senior management supports the workplace diversity coordinator
- > helping employees balance work, study, family life and other caring responsibilities through access to home-based and telework arrangements, part-time work, flexitime, studies assistance, and personal and purchased leave.

Equity in employee selection processes is promoted by training all relevant staff in how to select employees and by monitoring the effectiveness of the selection guidelines.

On 30 June 2013, the ACMA's employee profile was:

- > total employees—580
- > number of women—301
- > number of staff from a non-English-speaking background—79
- > number of staff with a disability—5
- > number of Indigenous staff—3.

## Changes to disability reporting in annual reports

Since 1994, Commonwealth departments and agencies have reported on their performance as policy adviser, purchaser, employer, regulator and provider under the Commonwealth Disability Strategy. In 2007–08, reporting on the employer role was transferred to the Australian Public Service Commission's *State of the Service Report* and the *APS Statistical Bulletin*. These reports are available at [www.apsc.gov.au](http://www.apsc.gov.au). From 2010–11, departments and agencies have no longer been required to report on these functions.

Table 38: Performance payments 2012–13

Employee level	Employees paid	Total performance pay (\$)	Minimum bonus (\$)	Maximum bonus (\$)	Average bonus (\$)
EL2	88	852,655.30	3,413.99	22,863.45	9,689.26
SES Band 1	15	227,899.19	2,975.67	20,309.16	15,193.28
SES Band 2	6	115,479.65	14,697.41	25,195.56	19,246.61
<b>Total</b>	<b>109</b>	<b>1,196,034.14</b>			

The Commonwealth Disability Strategy has been overtaken by a new National Disability Strategy 2010–2020, which sets out a 10-year national policy framework to improve the lives of people with disability, promote participation and create a more inclusive society. A high-level two-yearly report will track progress against each of the six outcome areas of the strategy and show how people with disability are faring. The first of these reports will be available in 2014 at [www.fahcsia.gov.au](http://www.fahcsia.gov.au).

The Social Inclusion Measurement and Reporting Strategy agreed by the government in December 2009 will also include some reporting on disability matters in its regular *How Australia is Faring* report and, if appropriate, in strategic change indicators in agency annual reports. More detail on social inclusion matters can be found at [www.socialinclusion.gov.au](http://www.socialinclusion.gov.au).

### **Ethical standards**

The ACMA continued to promote the importance of ethical standards through its Chief Executive Instructions (CEIs), training programs, and human resources policies and guidelines. The ACMA has a CEI on gifts, benefits and hospitality, and has procurement policies and procedures that promote ethical standards.

Staff continued to be advised and reminded of their individual obligations under the APS Values and Code of Conduct through an online induction training program, an online managers' handbook and selection criteria for all ACMA position descriptions. Adherence to the ACMA and APS Values and APS Code of Conduct are a mandatory expectation in all performance agreements. Staff awareness of the APS Values and Code of Conduct is monitored through staff surveys.

During the first half of 2013, work was undertaken to update policies and procedures to reflect changes to the *Public Service Act 1999*.

The ACMA has procedures for determining breaches of the APS Code of Conduct, Reviews of Actions and dealing with whistle-blowing reports.

### **Health and safety**

During 2012–13, the ACMA continued to review its workplace health and safety arrangements as new codes of practice resulting from the national harmonisation of work health and safety arrangements were released.

The ACMA is strongly committed to the safe and timely return to work of injured or ill employees, whether or not the injury or illness is work-related. This commitment is supported through early intervention strategies, including engaging rehabilitation providers to facilitate the return to work process. As part of best practice in rehabilitation management, the ACMA completed an audit of its Rehabilitation Management System in May 2013. Action to implement the recommendations of that audit will progress during 2013.

A Health and Safety Representative Forum and a Harassment Contact Officer Network continue to operate within the ACMA and provide effective networks to consult and consider new ideas within the work health and safety arena. Work Health and Safety Champions also actively promote health and wellbeing initiatives. The National Work Health and Safety Committee met on three occasions during the reporting period.

In 2012–13, the ACMA introduced a health and wellbeing calendar, which gives employees access to a broader range of health, safety and wellbeing information through seminars, guest speakers and new intranet pages. Calendar initiatives complement the comprehensive information available to staff across topics ranging from mental health and ergonomics and safe computer use to reporting hazards and injuries.

Regular workplace inspections were undertaken in all ACMA workplaces to identify hazards and potential hazards, and to review current hazard control measures. These inspections were undertaken by Health and Safety Representatives and Workplace Champions.

Health and safety information is provided to all new employees through the ACMA's e-learning induction program. In addition, the ACMA provided the following initiatives during the reporting period:

- > Health Week, incorporating seminars, health assessments and work-based activities
- > flu vaccinations
- > assistance with costs associated with eye testing and purchase of glasses for screen-based use
- > Employee Assistance Program
- > Know Bull Month, a bullying and harassment prevention campaign

- > e-learning health and safety modules as induction tools and ongoing resources.

During the reporting period, no notifiable incidents were reported to Comcare. No work health and safety investigations were conducted and no notices were given to the ACMA under Part 10 of the *Work Health and Safety Act 2011*.

## Consultation and workplace relations

Staff consultative bodies are established under the ACMA Agreement.

The National Consultative Forum deals primarily with the key strategic and change issues that affect the ACMA. Convened by the ACMA Deputy Chairman, it comprises management, union and employee representatives. The National Consultative Forum met twice in the reporting period to discuss a number of important issues, including the examination of professional streams, the performance management framework, and strategic and workforce planning.

Local consultative forums, comprising management, union and employee representatives, and chaired by a senior manager, are established in each of the four work areas—Canberra, Melbourne, Sydney and Operations. They met at least once during the reporting period, with the frequency of meetings determined by the number of issues being considered. Local consultative forums can refer matters with organisation-wide implications to the National Consultative Forum.

Approaches used to involve employees in decision-making and information-sharing include all-staff meetings, planning sessions, branch and section meetings, focus groups and the use of the ACMA intranet to disseminate information.

The ACMA also conducts a regular staff survey that gives employees the opportunity to contribute their views across a wide range of topics on the workplace and the overall performance of the agency. The survey provides a great ‘temperature-read’ of employee opinion, with findings used to drive key initiatives for enhancing the workplace.

An action plan to address key issues of concern arising from the 2012 ACMA Staff Survey was developed in late 2012. The plan incorporates a number of initiatives already underway or in the preparatory stages, including workforce planning, the Transformational Roadmap and the Examination of Professional Streams, and is regularly updated to show progress. The next ACMA staff survey is planned for early 2014.

## People and capability development

The ACMA is committed to identifying and addressing capability and development needs on an individual staff member and agency basis to improve skills and knowledge, and support staff career development. This aim is supported through strategic workforce planning.

The ACMA's net expenditure in 2012–13 for employee training was \$717,678. This included general training, staff attendance at conferences and seminars, and studies assistance. Training addressed a range of topics, with a particular focus this year on information communications technology, technical skills training (including radiocommunications) and general communication skills. Staff also attended industry-related seminars and conferences on developments in the communications industry.

During the year, 57 employees were supported under the ACMA's Studies Assistance Guidelines. Employees undertook tertiary qualifications in specialised fields such as economics, communications, information technology, accounting, engineering and law.

The ACMA Mentoring Program was launched in 2013 following evaluation of the successful pilot program conducted in 2012, with almost 100 per cent of survey participants responding positively. The 2013 program has 28 mentoring pairs, representing the range of classification levels within the agency. The program was launched with training for both mentors and mentees and, to date, informal feedback shows that this program is replicating the success of the pilot.

## Case study

# Strategic workforce planning

In April 2013, the ACMA launched its first whole-of-agency workforce plan to identify and address workforce challenges (in the context of business priorities). This helps to ensure timely access to strategically critical capabilities and to create a more agile, engaged and high-performing workplace.

### What is workforce planning?

Workforce planning is about getting the right number of people with the right skills in the right place at the right time. It is an iterative business process that incorporates individual and organisational capability requirements into long-term business planning. This process helps the ACMA to estimate its future workforce requirements in identified priority areas, and to calculate the numbers, nature and sources of potential employees who might meet that demand. It includes analysing current staffing patterns, forecasting capacity and demand, identifying and managing the staffing requirements to fill that demand, and reviewing this process as strategic priorities are updated.

### Agency strengths

Workforce analysis highlights many agency strengths; for example, a good gender balance and an average age of 42, meaning that the Australia-wide trend of an ageing workforce will not have a broad immediate impact on staff numbers. Including APS service, the tenure is solid with an average of 11 years and the average turnover rate is a healthy 11 per cent. An effective workforce plan will see the ACMA capitalise on the strengths of its employees as it continues to build the agency of the future.

### Workforce planning goals

Workforce planning goals include:

- > attracting and retaining staff with experience, expertise and business critical skills
- > developing workforce agility to maximise the capability of existing staff by moving them within the agency to priority areas and to manage workload fluctuations
- > continuing to develop and broaden the capabilities of our employees
- > achieving this workforce retention and agility in the context of meeting our affordable staffing profile.

### Next steps

The first agency-wide workforce plan is linked to corporate and strategic objectives. Over the next six months, workforce planning will be further advanced by:

- > integrating it into broader corporate and business planning processes
- > identifying roles that are vital to the agency's strategically determined priorities, including understanding the skill development requirements across each strategic priority and division
- > implementing and further developing appropriate strategies to manage workforce issues as and before they arise
- > developing learning and development and recruitment strategies to support priority areas identified in the workforce plan.

## **Examination of ACMA professional streams**

During 2012–13, the ACMA undertook an examination of its employee professional streams to broadly determine whether current arrangements enable it to attract and retain the professionals it needs to undertake its work into the future.

This process commenced in mid 2012 through the establishment of a Working Party, comprising management, union and employee representatives, under the auspices of the ACMA's National Consultative Forum. Based on the information considered and discussed by the Working Party, and after consideration of feedback provided by staff and their representatives, ACMA management developed a report containing draft findings and outcomes. These were considered and endorsed by the ACMA Chairman in December 2012.

The examination outcomes included:

- > establishing separate classification structures and expanded broadbanding for the ICT and engineering and technical professional streams
- > developing a more structured approach to technical/professional development
- > implementing a more technically focused/professionally based group mentoring program.

Work has commenced on implementing these outcomes.

The ACMA will also explore graduate programs or more structured cadet and technical officer training programs in the future and explore other options that will attract and retain younger staff.

## **Performance management**

The ACMA's performance management framework is designed to help it achieve organisational outcomes and outputs by managing employee performance, supporting employees in the workplace, and maintaining healthy and sustainable work practices. The framework specifically benefits employees by clarifying expectations, improving individual work performance, increasing skills and knowledge, and consequently enhancing career opportunities.

Individual performance and development plans identify the key targets and expected results needed to achieve the objectives of both area business plans and the ACMA strategic plan. The framework is linked to the ACMA's planning cycle and allows for effective communication and formal feedback at regular intervals.

During the reporting period, a review was undertaken of the implementation arrangements following changes to the framework in 2011–12. All staff were given the opportunity to contribute to the review through a survey and focus groups. Overall, the revised arrangements are meeting the needs of staff. Additional training is proposed to further build on employees' skill sets for managing unsatisfactory performance.

## **Creating Knowledge program**

Designed specifically for ACMA staff, Creating Knowledge shares knowledge and expertise across the organisation and builds knowledge of the external environment. The current program consists of:

- > Conversations—prominent industry and academic speakers from the communications sector present their views on the current and emerging communications environment.
- > Technology Talks—engineering staff and invited guests deliver seminars on current and emerging communications technologies.
- > Section Snapshots and Section Snapshots 2.0—a seminar series providing a snapshot of what our diverse organisation is doing and achieving. Section Snapshots are delivered live and hosted online and Section Snapshots 2.0 is an online series.
- > Linking in Live—a program to support small group learning on specialised topics.

During the reporting period, nine Creating Knowledge events were held, with an average of 58 ACMA staff attending each event. To complement the program, a Creating Knowledge blog was launched on the intranet in early 2013. The blogs are written by staff and aim to facilitate discussion beyond the sessions.

## Client Service Charter

The Client Service Charter outlines the ACMA's goals and the broad range of services it provides. The charter provides advice on how clients can contact the ACMA, service standards and complaints procedures. It also reflects the ACMA's commitment to providing efficient, effective and relevant services delivered in an environment of mutual respect. See Table 39 for a summary of client service complaints and compliments in 2012–13.

## Information management

### Transformation agenda

The reporting period saw the continued rollout of major transformation projects, focusing on rationalising and enhancing business systems. 2012–13 brought to fruition a series of projects built on the foundations laid in previous years. The ACMA now has significantly matured grounding for future projects. This includes:

- > implementing systems that support external interactions with community and industry users
- > developing the customer and case management platform
- > progressively rolling out a new licence management system
- > creating an architecture that supports integrated core systems
- > evolving the underlying technology platforms.

## Highlights

### Spectrum management

This has been a significant year, during which the first stages of the new system for spectrum licensing delivered:

- > faultless support for the 700 MHz and 2.5 GHz digital dividend spectrum auctions
- > rollout and migration of spectrum licence management
- > B2G connectivity to enable automated upload of device registrations with the new, reusable system lodgement facility.

Table 39: Summary of client service complaints and compliments, 2012–13

Description	Total no. of complaints*	Total no. of compliments
Courtesy and respect	2	2
Service delivery of individual staff members	3	3
Response time to complaint	5	–
Accessible information	19	1

\*Indicates total number of complaints received (not assessed against service commitments or standards in the Client Service Charter).

### Managing cases and complaints

The ACMA has now established the basis for standardised case management tools across the agency. This includes:

- > implementing the infrastructure, architecture and build of the ACMA's new generation eBusiness portal
- > using the eBusiness portal to deliver a broadcast licence fee solution, with direct broadcaster access
- > extending the eBusiness solution to manage media ownership and diversity compliance
- > developing a complete new system to handle complaints and investigations into internet content
- > laying the groundwork for future eBusiness systems to monitor regional radio, Australian content and captioning compliance
- > delivering an integrated end-to-end case management system for telemarketing and anti-spam investigations
- > preparing for a replacement investigation system for compliance and field operations.

### eBusiness and Gov 2.0 engagement

The ACMA has made advances in systems designed to facilitate interaction with external audiences, particularly consumers and industry. This includes:

- > authentication of eBusiness users via the standard government AUSkey solution
- > a revamped website
- > a new B2G solution for the whole agency
- > updates to the Radiocommunications Register of Licences to support the new spectrum licensing systems.

### Information management and staff productivity

During the reporting period, the ACMA continued to modernise and improve the way it handles information. This included:

- > improved records compliance and the transition to a new single records management platform
- > incremental advances in user-managed intranet collaboration tools
- > the integration of records management with case management systems
- > the evolution of enterprise reporting.

### Technology, practices and architecture

Achievements during 2012–13 included the ongoing development of infrastructure and architecture to improve the cost, reliability and agility of ACMA systems. For example:

- > making continual improvements to the ACMACloud architecture
- > improving change and configuration management
- > making significant progress towards unified identity and access management across all internal systems
- > adopting agile project management techniques to better control project delivery
- > evolving service-oriented applications architecture to integrate processes and data across enterprise systems
- > implementing green initiatives to reduce the cost and environmental impact of IT.

## Corporate governance

### Audit

During 2012–13, the ACMA's internal audit function was undertaken by Protiviti. The strategic internal audit program continued to focus on whole-of-organisation and key corporate processes, particularly those associated with financial administration and information technology management.

For information about the ACMA's Audit Committee, see *Governance* on page 33 and *Audit Committee* in Appendix 2.

### Risk management

In 2012–13, the ACMA reviewed its whole-of-agency risk management framework. It is now implementing the findings to provide an enhanced risk management framework and associated formal and documented processes for consistent agency-wide implementation. This enhanced framework focuses on strategic risk management and will integrate with the new ACMA integrated planning and reporting framework. In addition, the ACMA actively participates in Comcover's Benchmarking Risk Management Program.

The ACMA has reviewed its fraud control policy, guidelines and plan, and has the required fraud prevention, detection, investigation, reporting and data collection procedures in place to comply with the *Commonwealth Fraud Control Guidelines*. The ACMA also conducted a significant review of its Business Continuity and Disaster Recovery Plans.

The ACMA met all statutory reporting requirements required by the Australian National Audit Office (ANAO), the ACMA's insurer (Comcover) and the Attorney-General's Department for 2012–13.

### Security

The ACMA continued strengthening its protective security functions in line with the requirements of the Protective Security Policy Framework and Information Security Manual. All statutory reporting requirements were met in 2012–13.

The ACMA's Security Advisory Committee continues to oversee agency security issues by reviewing and implementing improved policy and procedures.

## Communications and engagement

The ACMA has overhauled its communication and engagement to cater for the diverse needs of its many stakeholder groups and users. The centrepiece of this approach is a new website launched in 2012–13.

After considering how best to engage in the era of ubiquitous internet, the ACMA developed a unified digital platform to host its content and services and deeply embed public engagement in all its core activities. The site signals a determination to be at the forefront of best practice in modern public engagement to better facilitate solutions for citizens and industry.

The ACMA is a leader in the Australian Gov 2.0 movement and has applied these learnings across the website. The aim is to foster genuine ongoing engagement with stakeholders by delivering them content and services on any device at any time, and using a variety of formats from blogs, tweets and infographics to video, webcasts, webinars and other rich media presentations.

The platform is flexible and built around best-of-breed digital principles. It will enable the ACMA to easily and effectively evolve its services and programs as the media and communications sector continues its rapid development.

The ACMA has enthusiastically embraced the use of social media to engage with users and share content in a wide variety of portals including Facebook, YouTube, LinkedIn and any third-party site wishing to subscribe to the many feeds on the site.

Using this new platform, the ACMA significantly lifted the sophistication of its engagement during the reporting period. A large program of public events includes the annual *RadComms* conference and tune-ups in the spectrum arena, *Citizen conversations* in the content sector and a wide variety of public consultations with consumer and industry groups.

## Financial management

Financial management within the ACMA was further enhanced during 2012–13, with improved reporting frameworks and better access to, and provision of, quality financial information for internal and external stakeholders. A rolling review of key areas within the financial management remit means that all ACMA processes align with legislative changes and best practice.

The ACMA met all of its statutory budgeting and reporting requirements and deadlines as set down by the Department of Finance and Deregulation and the Australian National Audit Office.

Key achievements during the year included:

- > enhancing the forward year budget allocation process
- > improving accessibility to the Financial Management Information System
- > implementing improved credit card management functions
- > implementing the new online Broadcast Licence Fee returns system
- > enhancing the Revenue Assurance Framework.

The ACMA incurred an operating deficit in 2012–13 as a result of employee separation costs and legal fees associated with the spectrum auction. The ACMA had adequate reserves to cover this deficit.

The ACMA's financial statements for 2012–13 were prepared in accordance with section 57 of the FMA Act and the Finance Minister's Orders. The ANAO issued an unqualified audit opinion on the statements and notes (see Appendix 18).

## Procurement and contract management

During 2012–13, the ACMA continued efforts to strengthen its procurement and contract management capabilities. Appropriate controls are in place so that procurement activities are carried out in accordance with the FMA Act and the *Commonwealth Procurement Rules*. The ACMA used a range of template documents to procure goods and services that, in alignment with internal policies, means it obtained value-for-money procurement during 2012–13.

## Grant programs

The ACMA does not administer any grant programs.

## Asset management

The ACMA's asset management procedures and policies reflect relevant legislation and best practice. Major asset categories include land, buildings, leasehold improvements, plant, equipment and intangibles such as software that is either developed inhouse or purchased from third-party vendors. Assets are valued at fair value with their carrying values and useful lives being reviewed annually.

At the end of 2012–13, the ACMA had a net total value of \$40.655 million in net assets. During the year, the capital management plan was further developed to help the ACMA with its capital planning requirements.

## Property management

The ACMA property portfolio includes leased, licensed and Commonwealth-owned premises, ranging from office accommodation in the major capital cities to small radio monitoring sites at remote locations. The ACMA continues to review its office accommodation in accordance with the *Commonwealth Property Management Guidelines* and operational requirements.

The construction of the ACMA's new premises in Canberra, located in the Belconnen precinct, was completed in May 2013. The internal fit-out has commenced, with the ACMA to relocate there when the lease on the current premises expires in August 2013.

The ACMA has also secured new office premises in Melbourne. Located in the same building as the current accommodation, it is better suited to meet the ACMA's business needs. It is anticipated the ACMA will relocate its Melbourne office in December 2013.

The office will contain a modern fit-out and is being designed with sustainable solutions to achieve a 4.5 star NABERS energy rating. This is in line with the green lease initiative issued by the Department of Climate Change and Energy Efficiency. The design utilises natural light and sunshine with the introduction of daylight harvesting to reduce power usage.

### **Ecologically sustainable development and environmental performance**

The ACMA has an ongoing commitment to reducing the organisation's impact on the environment through various measures. This includes procuring green power and reduced energy consumption through energy efficient office fit-outs that achieve a minimum 4.5 star NABERS energy rating, in line with government policy. Other measures include, but are not limited to, extensive use of video conferencing facilities, forced 'out-of-hours' computer terminal shutdown, using environmentally friendly cleaning products and separating office waste into recyclable and non-recyclable components.

The ACMA accords with relevant ecologically sustainable development and environmental requirements, and reports its performance annually through the Government Greenhouse Energy Reporting requests, the National Environment Protection Measures reporting requirements and the Australian Packaging Covenant reporting requirements. It also provides information to the Energy and Environment Survey undertaken by the Australian Bureau of Statistics.

# Appendices

1. ACMA offices
2. ACMA committees, memberships and attendance at meetings
3. Staffing information
4. Licensing and licence allocations
5. Programs and content
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# Appendix 1:

## ACMA offices

### **Canberra**

Red Building, Benjamin Offices  
Chan Street, Belconnen  
PO Box 78, Belconnen ACT 2616  
T +61 2 6219 5555  
F +61 2 6219 5353

### **Melbourne**

Level 44, Melbourne Central Tower  
360 Elizabeth Street, Melbourne  
PO Box 13112 Law Courts, Melbourne VIC 8010  
T +61 3 9963 6800  
F +61 3 9963 6899

### **Sydney**

Level 5, The Bay Centre  
65 Pirrama Road, Pyrmont  
PO Box Q500, Queen Victoria Building NSW 1230  
T +61 2 9334 7700, 1800 226 667  
F +61 2 9334 7799

### **Brisbane**

424 Upper Roma Street  
Brisbane QLD 4000  
PO Box 288, Red Hill QLD 4059  
T +61 7 3247 7111  
F +61 7 3247 7100

### **Parramatta**

Level 3, 100 George Street  
Parramatta NSW 2150  
PO Box Q500, Queen Victoria Building NSW 1230  
T +61 2 9334 7700  
F +61 2 9334 7733

### **Hobart**

601 Back Tea Tree Road  
Richmond TAS 7025  
T +61 3 6268 0982  
F +61 3 6268 0246

## Appendix 2:

# ACMA committees, memberships and attendance at meetings

The following tables provide information about ACMA committees, memberships and attendance at meetings in 2012–13.

### Authority meetings

At 30 June 2013, the Authority comprised the Chairman, the Deputy Chair, one full-time Member, three part-time Members and one Associate Member.

The Authority met 25 times in 2012–13.

Table 40: Attendance by Members at Authority meetings, 2012–13

Authority Member	No. of meetings attended
Chris Chapman, Chairman	25
Richard Bean, Deputy Chair	24
Chris Cheah, full-time Member	24
Reg Coutts, part-time Member	23
Louise Benjamin, part-time Member	25
Hugh Marks, part-time Member	14
Rod Sims, Associate Member	0

## Executive Group meetings

The ACMA Executive Group functions as a senior oversight committee for management decisions. The Executive Group assists the Chairman by providing counsel on issues of high-level corporate or strategic significance to the agency.

Table 41: Attendance at Executive Group meetings, 2012–13

Member of Executive Group	No. of meetings attended
Chris Chapman, Chairman	8
Richard Bean, Deputy Chair	11
Chris Cheah, full-time Member	11
Carsten Larsen, Acting General Manager, Corporate Services and Coordination	11
Giles Tanner, General Manager, Digital Transition	11
Maureen Cahill, General Manager, Communications Infrastructure	10
Brendan Byrne, General Manager, Legal Services	11
Jennifer McNeill, General Manager, Content, Consumer and Citizen	12
Andree Wright, General Manager, Digital Economy	12

## Audit Committee

The Audit Committee is an integral part of the ACMA's corporate governance framework, approving and overseeing delivery of the internal audit program—the Certificate of Compliance—and reviewing the ACMA's financial statements. The Audit Committee coordinates internal and external audit activities in addition to overseeing the risk management framework and the implementation of fraud control policies.

In its capacity as an advisory committee to the ACMA Chairman, the Audit Committee met five times in 2012–13.

Table 42: Attendance by Members at Audit Committee, 2012–13

Members	No. of meetings attended
Richard Bean, Audit Committee Chair	4
Michael Harris, Independent Audit Committee Member	5
Fay Holthuyzen, Independent Audit Committee Member	5
Vince Humphries, ACMA Audit Committee Member	5
David Brumfield, ACMA Audit Committee Member (to November 2012)	3
Mark Loney, ACMA Audit Committee Member (from March 2013)	2

## Membership of advisory and consultative bodies

### Consumer Consultative Forum (CCF)

- > Australian Communications and Media Authority (Chair)
- > Australian Competition and Consumer Commission
- > Australian Mobile Telecommunications Association
- > Communications Alliance
- > Department of Broadband, Communications and the Digital Economy
- > Internet Industry Association
- > Telecommunications Industry Ombudsman

### Consumer representatives

- > Stella Avramopoulos, Kildonan Uniting Care
- > Narelle Clark, Internet Society of Australia
- > Teresa Corbin, Australian Communications Consumer Action Network
- > Rex Lai, Chinese Association of Victoria
- > Nicole Lawder, Homelessness Australia (resigned 25 June 2013)
- > Heron Loban, James Cook University
- > Professor Julian Thomas, Swinburne University of Technology

### Emergency Call Services Advisory Committee (ECSAC)

- > Australian Communications and Media Authority (Chair)
- > Ambulance Tasmania
- > Attorney-General's Department
- > Australian Capital Territory Emergency Services Authority
- > Australian Communications Consumer Action Network
- > Australian Communication Exchange Limited
- > Department of Broadband, Communications and the Digital Economy
- > Queensland Ambulance Services
- > Emergency Services Telecommunications Authority, Victoria
- > Internet Industry Association
- > iiNet Limited
- > NBNCo Limited
- > New South Wales Police Force
- > Fire and Rescue NSW
- > Northern Territory Police, Fire and Emergency Services
- > Singtel Optus Pty Ltd
- > South Australia Ambulance Service
- > St John Ambulance, Western Australia
- > Telecommunications Universal Service Management Agency

- > Telstra Corporation
- > Victoria Police
- > Vodafone Hutchison Australia Pty Limited

### Numbering Advisory Committee (NAC)

- > Australian Communications and Media Authority
- > Australian Communications Consumer Action Network
- > Australian Competition and Consumer Commission
- > Australian Electrical and Electronic Manufacturers' Association Ltd
- > Australian Information Industry Association Ltd
- > Australian Mobile Telecommunications Association Ltd
- > Australian Phone Word Association Ltd
- > Australian Telecommunications Users Group Ltd
- > Communications Alliance Ltd
- > Department of Broadband, Communications and the Digital Economy
- > PowerTel Ltd
- > SingTel Optus Pty Ltd
- > Small Enterprise Telecommunications Centre Ltd
- > Telstra Corporation Ltd
- > Vodafone Hutchison Australia Pty Ltd

### Observers

- > Engin Ltd
- > Industry Number Management Services
- > Primus Telecommunications
- > Verizon Australia Pty Ltd

### Technical Advisory Group (TAG)

- > Australian Communications and Media Authority (Chair)
- > Australian Competition and Consumer Commission
- > Australian Communications Consumer Action Network
- > Australian Industry Group
- > Australian Information Industry Association
- > Australian Mobile Telecommunications Association
- > Broadcasting Industry Technical Advisory Group
- > Consumer Electronics Suppliers' Association
- > Communications Alliance Ltd
- > Department of Broadband, Communications and the Digital Economy
- > Internet Society of Australia
- > National Association of Testing Authorities
- > NBNCo Limited
- > Standards Australia
- > Telecommunications Industry Ombudsman
- > Telecommunications Universal Service Management Agency

## **New South Wales Submarine Cable Protection Zone Advisory Committee**

- > Australian Communications and Media Authority (Chair)
- > Commercial fisher
- > Department of Sustainability, Environment, Water, Population and Communities
- > Department of Premier and Cabinet (NSW)
- > Sydney Ports
- > Australian Shipowners Association
- > Australia-Japan Cable
- > Southern Cross Cables
- > Advisory Council on Recreational Fishing
- > Commercial dive operator

## **Western Australia Submarine Cable Protection Zone Advisory Committee**

- > Australian Communications and Media Authority (Chair)
- > Western Australian Fishing Industry Council
- > Australian Petroleum Production and Exploration Association
- > Department of Sustainability, Environment, Water, Population and Communities
- > Department of Premier and Cabinet (WA)
- > Fremantle Ports
- > Australian Shipowners Association
- > REACH
- > Recfishwest
- > Commercial dive operator

## **Radiocommunications Consultative Committee (RCC)**

### **Chairman**

- > Full-time Member, Australian Communications and Media Authority

### **Members**

- > National Coordinating Committee for Government Radiocommunications
- > Department of Defence
- > Department of Broadband, Communications and the Digital Economy
- > Australian Mobile Telecommunications Association
- > Space Industry Association of Australia
- > Australian Radio Communications Industry Group
- > Communications Alliance Ltd
- > Commercial Radio Australia
- > Bureau of Meteorology
- > Australian Subscription Television and Radio Association
- > Free TV Australia

# **Appendix 3:**

## Staffing information

Table 43: Staff profiles by employment type, gender and location, 2012–13\*

NATIONAL		ONGOING				NON-ONGOING			
		Full-time		Part-time		Full-time		Part-time	
Classification	Male	Female	Male	Female	Male	Female	Male	Female	Total
	01.07.12	30.06.13	01.07.12	30.06.13	01.07.12	30.06.13	01.07.12	30.06.13	01.07.12
SES 2	2	2	2	2					4
SES 1	9	10	5	5					16
EL2	39	34	22	26	1	1	10	3	73
Principal Lawyer	6	6	6	6	2	1			13
EL1	105	95	64	50	3	3	35	2	196
Senior Lawyer	2	1	6	8	1	2			12
ACMA 6	75	68	77	70	2	1	15	14	171
Lawyer		1							1
ACMA 5	23	18	20	18	1	1	7	6	60
ACMA 4	9	9	21	18	2	2	7	6	48
ACMA 3	1	1	1	1			1	1	39
ACMA 2									5
Graduate							2	1	2
ACMA 1							1	1	1
<b>TOTAL</b>	<b>271</b>	<b>245</b>	<b>224</b>	<b>204</b>	<b>9</b>	<b>9</b>	<b>68</b>	<b>73</b>	<b>580</b>

\*Substantive classification. Excludes five statutory office-holders and two casuals.

Classification		ONGOING				NON-ONGOING			
		Full-time		Part-time		Full-time		Part-time	
		Male	Female	Male	Female	Male	Female	Male	Female
01.07.12	30.06.13	01.07.12	30.06.13	01.07.12	30.06.13	01.07.12	30.06.13	01.07.12	30.06.13
SES 2		2	2						
SES 1	6	7							
EL2	19	14	7	8	2	2	1	1	
Principal Lawyer	1	1	1	1	1				
EL1	41	41	16	15	1	1	2	3	
Senior Lawyer			2	3					
ACMA 6	23	21	22	24	6	4	4	3	1
Lawyer									1
ACMA 5	9	7	10	9		1		2	
ACMA 4	5	4	13	11	6	4	1	1	
ACMA 3		1	1				2		
ACMA 2						2	1		
Graduate								1	1
ACMA 1									2
<b>TOTAL</b>	<b>104</b>	<b>95</b>	<b>74</b>	<b>74</b>	<b>1</b>	<b>15</b>	<b>13</b>	<b>11</b>	<b>9</b>
								<b>2</b>	<b>1</b>
								<b>2</b>	<b>211</b>
									<b>198</b>

MELBOURNE									
Classification	ONGOING					NON-ONGOING			
	Full-time		Part-time		Part-time	Full-time		Part-time	
	Male	Female	Male	Female	Male	Female	Male	Female	Male
01.07.12	30.06.13	01.07.12	30.06.13	01.07.12	30.06.13	01.07.12	30.06.13	01.07.12	30.06.13
SES 2									
SES 1	3	3	2						
EL2	12	11	6	7	1	1	3	2	1
Principal Lawyer	4	4							
EL1	45	26	20	2	2	13	19	1	1
Senior Lawyer	1	2	4	1	2		2		
ACMA 6	29	28	31	25	1	1	7	9	2
Lawyer	1						2	3	2
ACMA 5	9	8	9	7		6	6	1	1
ACMA 4	1	1	5	4		1	2	1	1
ACMA 3	1	1							
ACMA 2									
Graduate									
ACMA 1									
<b>TOTAL</b>	<b>105</b>	<b>95</b>	<b>82</b>	<b>69</b>	<b>4</b>	<b>5</b>	<b>32</b>	<b>38</b>	<b>3</b>
							<b>6</b>	<b>6</b>	<b>0</b>
							<b>0</b>	<b>0</b>	<b>3</b>
							<b>2</b>	<b>2</b>	<b>235</b>
									<b>223</b>

SYDNEY		ONGOING				NON-ONGOING			
		Full-time		Part-time		Full-time		Part-time	
Classification	Male	Female	Male	Female	Male	Female	Male	Female	Total
	01.07.12	30.06.13	01.07.12	30.06.13	01.07.12	30.06.13	01.07.12	30.06.13	01.07.12
SES 2	2	2							2
SES 1		2	3			1	1		3
EL2	7	8	9	11	5	5	1		23
Principal Lawyer	1	1	5	4	2				8
EL1	17	15	22	15	9	14	2	1	48
Senior Lawyer	1	1	2	1					3
ACMA 6	19	13	24	21	2	1	3	1	53
Lawyer					2	1	4	7	44
ACMA 5	4	2	1	1		1	1		7
ACMA 4	1	2	2	1	2	1	1	1	6
ACMA 3					1	1			1
ACMA 2									1
Graduate									1
ACMA 1									1
<b>TOTAL</b>	<b>52</b>	<b>44</b>	<b>67</b>	<b>57</b>	<b>3</b>	<b>1</b>	<b>20</b>	<b>21</b>	<b>140</b>

Regions <sup>a</sup>	ONGOING						NON-ONGOING					
	Full-time			Part-time			Full-time			Part-time		
	Classification	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Total
SES 2	01.07.12	30.06.13	01.07.12	30.06.13	01.07.12	30.06.13	01.07.12	30.06.13	01.07.12	30.06.13	01.07.12	30.06.13
SES 1												
EL2	1	1					1	1				2
Principal Lawyer												1
EL1	2	1										2
Senior Lawyer												
ACMA 6	4	6					1					7
Lawyer												
ACMA 5	1	1		1	1							3
ACMA 4	2	2	1	2	1							3
ACMA 3												5
ACMA 2												
Graduate												
ACMA 1												
<b>TOTAL</b>	<b>10</b>	<b>11</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>
											<b>0</b>	<b>0</b>
											<b>0</b>	<b>16</b>
											<b>0</b>	<b>19</b>

<sup>a</sup>Includes Parramatta, Hobart and Brisbane.

Table 44: Salary ranges of employees, 30 June 2013

ACMA local designation	Equivalent APS classification	(\$)
ACMA 1.1	APS Level 1	43,539
ACMA 1.2		48,019
ACMA 2.1	APS Level 2	48,986
ACMA 2.2		54,070
ACMA 3.1	APS Level 3	55,713
ACMA 3.2		57,125
ACMA 3.3		60,618
ACMA 4.1	APS Level 4	62,444
ACMA 4.2		64,067
ACMA 4.3		67,907
ACMA 5.1	APS Level 5	69,619
ACMA 5.2		71,679
ACMA 5.3		75,196
ACMA 6.1	APS Level 6	76,767
ACMA 6.2		80,623
ACMA 6.3		86,738
ACMA EL1.1	Executive Level 1	93,353
ACMA EL1.2		98,202
ACMA EL1.3		105,318
ACMA EL1.4* (Restricted)		115,983
ACMA EL2.1	Executive Level 2	113,009
ACMA EL2.2		120,588
ACMA EL2.3		128,147
ACMA EL2.4		133,747
ACMA EL2.5** (Restricted)		136,898
Lawyer/Legal Officer 1.1	APS Level 5	69,619
Lawyer/Legal Officer 1.2	APS Level 5	75,196
Lawyer/Legal Officer 1.3	APS Level 6	76,767
Lawyer/Legal Officer 1.4	APS Level 6	86,738
Snr Lawyer/Legal Officer 2.1	Exec Level 1	93,353
Snr Lawyer/Legal Officer 2.2	Exec Level 1	105,318
Snr Lawyer/Legal Officer 2.3	Exec Level 1	115,983
Principal Lawyer 3.1	Exec Level 2	128,147
Principal Lawyer 3.2	Exec Level 2	133,747
Tech Trainee 1	Trainee APS (Technical)	43,539
Tech Trainee 2	Trainee APS (Technical)	48,019
Tech Trainee 3	Trainee APS (Technical)	49,986
Tech Trainee 4	Trainee APS (Technical)	54,070
Graduate 1.1	Graduate APS	55,713
Graduate 1.2	Graduate APS	60,618
Graduate 1.3***	APS Level 4	62,444

\*Restricted to employees locally designated as Snr Lawyer/Legal Officer.

\*\*Restricted to employees 'grandfathered' from ABA/ACA on this paypoint.

\*\*\*Upon successful completion of the graduate year, a graduate will be allocated an ACMA 3 (APS Level 3) local designation and immediately advanced to ACMA 4 (APS Level 4).

Abbreviations used in this appendix—SES: Senior Executive Service; EL: Executive Level; APS: Australian Public Service.

# Appendix 4:

## Licensing and licence allocations

Table 45: Carrier licences, 2012–13

No.	Carrier licence granted to	Date granted
326	C2A Internet.com.au Pty Ltd	12 July 2012
327	Adrian Blake Pty Limited	7 August 2012
328	Orecomms Pty Ltd	15 August 2012
329	Eutelsat America Corp	23 August 2012
330	Tas Internet Services Pty Ltd	24 August 2012
331	Saunders Capital Holdings Pty Ltd	7 September 2012
332	Optic Networks Pty Ltd	5 October 2012
333	Torus Networks Pty Ltd	12 October 2012
334	Caprock Communications (Australia) Pty Ltd	12 October 2012
335	Silcar Pty Ltd	15 October 2012
336	ISP Solutions Pty Ltd	8 January 2013
337	Acess Health Pty Ltd	11 February 2013
338	Nextclick Pty Ltd	11 February 2013
339	SA Fibre & Wireless Pty Ltd	14 February 2013
340	Rocket Networks Pty Ltd	6 March 2013
341	Frontier Networks Pty Ltd	7 March 2013
342	SubPartners Pty Ltd	25 March 2013
343	Novatel Telephony Pty Ltd	24 April 2013
344	W3 Networks Pty Ltd	14 June 2013
345	Megaport Pty Ltd	18 June 2013
346	Gosford City Council	25 June 2013

Table 46: Nominated carrier declarations, 2012–13

No.	Nominated carrier declared	Network unit(s)	Date made
123	ZNX Pty Ltd	Multiply line links owned by United Energy Distribution Pty Limited, ACN 064 651 029, located within the United Energy Melbourne Northern Region	17 September 2012
124	Pivotal Group Pty Limited	Two C-Band transponders identified as 3462.578–3487.578 MHz and 3492.578–3517.578 MHz and L-Band sub band units 109–216 on the Thuraya-3 satellite in geostationary orbit at 98.5 degrees east longitude owned by Thuraya Telecommunications Company (registered in United Arab Emirates)	4 March 2013

Table 47: Apparatus licences, 2011–13

Licence type	30 June 2011	30 June 2012	30 June 2013
Aeronautical	2,048	2,106	2,221
Aircraft	12	11	12
Amateur	15,672	15,760	15,540
Broadcasting	9,644	10,091	9,285
Defence	78	74	76
Earth	481	579	688
Earth receive	532	581	674
Fixed	43,592	44,140	41,093
Fixed receive	999	1,012	1,007
Land mobile	64,628	68,905	69,287
Major coast receive	17	17	17
Maritime coast	3,541	3,504	3,545
Maritime ship	8,089	7,884	7,664
Outpost	4,446	4,106	3,889
PTS	648	657	691
Radiodetermination	2,837	2,899	2,923
Scientific	445	504	497
Space	74	102	106
Space receive	307	338	301
<b>Total</b>	<b>158,090</b>	<b>163,270</b>	<b>159,516</b>

Table 48: Retransmission services, 2012–13

Radio/TV	Area	State	Applicant	Frequency (MHz)/channel	Date of effect	Date of expiry
TV	Maclean	NSW	RBA Holdings Pty Ltd	655.5	28/09/2012	27/09/2013
TV	Maclean	NSW	RBA Holdings Pty Ltd	669.5	28/09/2012	27/09/2013
TV	Maclean	NSW	RBA Holdings Pty Ltd	676.5	28/09/2012	27/09/2013
TV	Maclean	NSW	RBA Holdings Pty Ltd	683.5	28/09/2012	27/09/2013
TV	Maclean	NSW	RBA Holdings Pty Ltd	690.5	28/09/2012	27/09/2013
Radio	Yarrie Mine	WA	BHP Billiton Iron Ore Pty Ltd	107.1	17/04/2012	16/04/2013
Radio	Yarrie Mine	WA	BHP Billiton Iron Ore Pty Ltd	105.5	17/04/2012	16/04/2013
TV	Emu Park	Qld	Rockhampton Regional Council—Bell Caravan Park	662.5	30/08/2012	29/08/2013
TV	Emu Park	Qld	Rockhampton Regional Council—Bell Caravan Park	655.5	30/08/2012	29/08/2013
TV	Emu Park	Qld	Rockhampton Regional Council—Bell Caravan Park	669.5	30/08/2012	29/08/2013
TV	Emu Park	Qld	Rockhampton Regional Council—Bell Caravan Park	676.5	30/08/2012	29/08/2013
TV	Emu Park	Qld	Rockhampton Regional Council—Bell Caravan Park	683.5	30/08/2012	29/08/2013
TV	Menzies	WA	Shire of Menzies	620.5	12/10/2012	11/10/2013
TV	Menzies	WA	Shire of Menzies	634.5	12/10/2012	11/10/2013
TV	Menzies	WA	Shire of Menzies	627.5	12/10/2012	11/10/2013

TV	Menzies	WA	Shire of Menzies	641.5	12/10/2012	11/10/2013
TV	Forster	NSW	RBA Holdings Pty Ltd	613.5	13/09/2012	12/09/2013
TV	Forster	NSW	RBA Holdings Pty Ltd	620.5	13/09/2012	12/09/2013
TV	Forster	NSW	RBA Holdings Pty Ltd	627.5	13/09/2012	12/09/2013
TV	Forster	NSW	RBA Holdings Pty Ltd	634.5	13/09/2012	12/09/2013
TV	Forster	NSW	RBA Holdings Pty Ltd	662.5	13/09/2012	12/09/2013
TV	Canungra	Qld	Tx Australia Pty Limited	536.5	19/09/2012	18/09/2013
TV	Canungra	Qld	Tx Australia Pty Limited	543.5	19/09/2012	18/09/2013
TV	Canungra	Qld	Tx Australia Pty Limited	550.5	19/09/2012	18/09/2013
TV	Canungra	Qld	Tx Australia Pty Limited	557.5	19/09/2012	18/09/2013
TV	Canungra	Qld	Tx Australia Pty Limited	564.5	19/09/2012	18/09/2013
TV	Healesville	Vic.	Tx Australia Pty Limited	571.5	19/09/2012	18/09/2013
TV	Healesville	Vic.	Tx Australia Pty Limited	578.5	19/09/2012	18/09/2013
TV	Healesville	Vic.	Tx Australia Pty Limited	585.5	19/09/2012	18/09/2013
TV	Healesville	Vic.	Tx Australia Pty Limited	592.5	19/09/2012	18/09/2013
TV	Healesville	Vic.	Tx Australia Pty Limited	599.5	19/09/2012	18/09/2013
TV	Swan Reach	SA	Tx Australia Pty Limited	732.5	19/09/2012	18/09/2013
TV	Swan Reach	SA	Tx Australia Pty Limited	753.5	19/09/2012	18/09/2013
TV	Swan Reach	SA	Tx Australia Pty Limited	774.5	19/09/2012	18/09/2013
TV	Swan Reach	SA	Tx Australia Pty Limited	795.5	19/09/2012	18/09/2013
TV	Swan Reach	SA	Tx Australia Pty Limited	816.5	19/09/2012	18/09/2013
TV	Monbulk	Vic.	Tx Australia Pty Limited	655.5	19/09/2012	18/09/2013
TV	Monbulk	Vic.	Tx Australia Pty Limited	669.5	19/09/2012	18/09/2013
TV	Monbulk	Vic.	Tx Australia Pty Limited	676.5	19/09/2012	18/09/2013
TV	Monbulk	Vic.	Tx Australia Pty Limited	697.5	19/09/2012	18/09/2013
TV	Monbulk	Vic.	Tx Australia Pty Limited	704.5	19/09/2012	18/09/2013
TV	Rathdowney	Qld	Tx Australia Pty Limited	536.5	19/09/2012	18/09/2013
TV	Rathdowney	Qld	Tx Australia Pty Limited	543.5	19/09/2012	18/09/2013
TV	Rathdowney	Qld	Tx Australia Pty Limited	550.5	19/09/2012	18/09/2013
TV	Rathdowney	Qld	Tx Australia Pty Limited	557.5	19/09/2012	18/09/2013
TV	Rathdowney	Qld	Tx Australia Pty Limited	564.5	19/09/2012	18/09/2013
TV	Mannum	SA	Tx Australia Pty Limited	620.5	19/09/2012	18/09/2013
TV	Mannum	SA	Tx Australia Pty Limited	627.5	19/09/2012	18/09/2013
TV	Mannum	SA	Tx Australia Pty Limited	634.5	19/09/2012	18/09/2013
TV	Mannum	SA	Tx Australia Pty Limited	641.5	19/09/2012	18/09/2013
TV	Mannum	SA	Tx Australia Pty Limited	648.5	19/09/2012	18/09/2013
TV	Kooralbyn	Qld	Tx Australia Pty Limited	536.5	19/09/2012	18/09/2013
TV	Kooralbyn	Qld	Tx Australia Pty Limited	543.5	19/09/2012	18/09/2013
TV	Kooralbyn	Qld	Tx Australia Pty Limited	550.5	19/09/2012	18/09/2013
TV	Kooralbyn	Qld	Tx Australia Pty Limited	557.5	19/09/2012	18/09/2013
TV	Kooralbyn	Qld	Tx Australia Pty Limited	564.5	19/09/2012	18/09/2013
TV	Angaston	SA	Tx Australia Pty Limited	718.5	19/09/2012	18/09/2013
TV	Angaston	SA	Tx Australia Pty Limited	739.5	19/09/2012	18/09/2013
TV	Angaston	SA	Tx Australia Pty Limited	760.5	19/09/2012	18/09/2013
TV	Angaston	SA	Tx Australia Pty Limited	781.5	19/09/2012	18/09/2013
TV	Angaston	SA	Tx Australia Pty Limited	802.5	19/09/2012	18/09/2013
TV	Mount Alford	Qld	Tx Australia Pty Limited	718.5	19/09/2012	18/09/2013

TV	Mount Alford	Qld	Tx Australia Pty Limited	739.5	19/09/2012	18/09/2013
TV	Mount Alford	Qld	Tx Australia Pty Limited	760.5	19/09/2012	18/09/2013
TV	Mount Alford	Qld	Tx Australia Pty Limited	781.5	19/09/2012	18/09/2013
TV	Mount Alford	Qld	Tx Australia Pty Limited	802.5	19/09/2012	18/09/2013
TV	Eudunda	SA	Tx Australia Pty Limited	732.5	19/09/2012	18/09/2013
TV	Eudunda	SA	Tx Australia Pty Limited	753.5	19/09/2012	18/09/2013
TV	Eudunda	SA	Tx Australia Pty Limited	774.5	19/09/2012	18/09/2013
TV	Eudunda	SA	Tx Australia Pty Limited	795.5	19/09/2012	18/09/2013
TV	Eudunda	SA	Tx Australia Pty Limited	816.5	19/09/2012	18/09/2013
TV	Carrickalinga	SA	Tx Australia Pty Limited	655.5	19/09/2012	18/09/2013
TV	Carrickalinga	SA	Tx Australia Pty Limited	662.5	19/09/2012	18/09/2013
TV	Carrickalinga	SA	Tx Australia Pty Limited	669.5	19/09/2012	18/09/2013
TV	Carrickalinga	SA	Tx Australia Pty Limited	676.5	19/09/2012	18/09/2013
TV	Carrickalinga	SA	Tx Australia Pty Limited	683.5	19/09/2012	18/09/2013
TV	Gumeracha	SA	Tx Australia Pty Limited	655.5	19/09/2012	18/09/2013
TV	Gumeracha	SA	Tx Australia Pty Limited	662.5	19/09/2012	18/09/2013
TV	Gumeracha	SA	Tx Australia Pty Limited	669.5	19/09/2012	18/09/2013
TV	Gumeracha	SA	Tx Australia Pty Limited	676.5	19/09/2012	18/09/2013
TV	Gumeracha	SA	Tx Australia Pty Limited	683.5	19/09/2012	18/09/2013
TV	Maitland (SA)	SA	Tx Australia Pty Limited	690.5	19/09/2012	18/09/2013
TV	Maitland (SA)	SA	Tx Australia Pty Limited	802.5	19/09/2012	18/09/2013
TV	Maitland (SA)	SA	Tx Australia Pty Limited	739.5	19/09/2012	18/09/2013
TV	Maitland (SA)	SA	Tx Australia Pty Limited	662.5	19/09/2012	18/09/2013
TV	Geelong	Vic.	Tx Australia Pty Limited	704.5	19/09/2012	18/09/2013
TV	Geelong	Vic.	Tx Australia Pty Limited	781.5	19/09/2012	18/09/2013
TV	Geelong	Vic.	Tx Australia Pty Limited	795.5	19/09/2012	18/09/2013
TV	Geelong	Vic.	Tx Australia Pty Limited	802.5	19/09/2012	18/09/2013
TV	Geelong	Vic.	Tx Australia Pty Limited	816.5	19/09/2012	18/09/2013
TV	Perth City	WA	Tx Australia Pty Limited	683.5	20/12/2012	19/12/2013
TV	Perth City	WA	Tx Australia Pty Limited	676.5	20/12/2012	19/12/2013
TV	Perth City	WA	Tx Australia Pty Limited	655.5	20/12/2012	19/12/2013
TV	Perth City	WA	Tx Australia Pty Limited	662.5	20/12/2012	19/12/2013
TV	Perth City	WA	Tx Australia Pty Limited	669.5	20/12/2012	19/12/2013
TV	Perth Coastal	WA	Tx Australia Pty Limited	683.5	20/12/2012	19/12/2013
TV	Perth Coastal	WA	Tx Australia Pty Limited	676.5	20/12/2012	19/12/2013
TV	Perth Coastal	WA	Tx Australia Pty Limited	655.5	20/12/2012	19/12/2013
TV	Perth Coastal	WA	Tx Australia Pty Limited	662.5	20/12/2012	19/12/2013
TV	Perth Coastal	WA	Tx Australia Pty Limited	669.5	20/12/2012	19/12/2013
TV	Strahan (SE)	Tas.	West Coast Council	613.5	15/10/2012	14/10/2013
TV	Byron Bay	NSW	RBA Holdings Pty Ltd	634.5	28/09/2012	06/09/2013
TV	Byron Bay	NSW	RBA Holdings Pty Ltd	648.5	28/09/2012	06/09/2013
TV	Byrock	NSW	RBA Holdings Pty Ltd	697.5	28/09/2012	06/09/2013
TV	Byron Bay	NSW	RBA Holdings Pty Ltd	704.5	28/09/2012	06/09/2013
TV	Byron Bay	NSW	RBA Holdings Pty Ltd	711.5	28/09/2012	06/09/2013
TV	Elizabeth Beach	NSW	RBA Holdings Pty Ltd	732.5	28/09/2012	06/09/2013
TV	Elizabeth Beach	NSW	RBA Holdings Pty Ltd	753.5	28/09/2012	06/09/2013
TV	Elizabeth Beach	NSW	RBA Holdings Pty Ltd	774.5	28/09/2012	06/09/2013

TV	Elizabeth Beach	NSW	RBA Holdings Pty Ltd	795.5	28/09/2012	06/09/2013
TV	Elizabeth Beach	NSW	RBA Holdings Pty Ltd	816.5	28/09/2012	06/09/2013
TV	Ocean Shores	NSW	RBA Holdings Pty Ltd	669.5	23/10/2012	22/10/2013
TV	Ocean Shores	NSW	RBA Holdings Pty Ltd	676.5	23/10/2012	22/10/2013
TV	Ocean Shores	NSW	RBA Holdings Pty Ltd	683.5	23/10/2012	22/10/2013
TV	Ocean Shores	NSW	RBA Holdings Pty Ltd	690.5	23/10/2012	22/10/2013
TV	Smiths Lake	NSW	RBA Holdings Pty Ltd	613.5	23/10/2012	22/10/2013
TV	Smiths Lake	NSW	RBA Holdings Pty Ltd	620.5	23/10/2012	22/10/2013
TV	Smiths Lake	NSW	RBA Holdings Pty Ltd	627.5	23/10/2012	22/10/2013
TV	Smiths Lake	NSW	RBA Holdings Pty Ltd	634.5	23/10/2012	22/10/2013
TV	Smiths Lake	NSW	RBA Holdings Pty Ltd	662.5	23/10/2012	22/10/2013
TV	Armidale North	NSW	RBA Holdings Pty Ltd	739.5	23/10/2012	22/10/2013
TV	Armidale North	NSW	RBA Holdings Pty Ltd	760.5	23/10/2012	22/10/2013
TV	Armidale North	NSW	RBA Holdings Pty Ltd	781.5	23/10/2012	22/10/2013
TV	Armidale North	NSW	RBA Holdings Pty Ltd	802.5	23/10/2012	22/10/2013
TV	Belmont North	NSW	RBA Holdings Pty Ltd	550.5	23/10/2012	22/10/2013
TV	Belmont North	NSW	RBA Holdings Pty Ltd	613.5	23/10/2012	22/10/2013
TV	Belmont North	NSW	RBA Holdings Pty Ltd	634.5	23/10/2012	22/10/2013
TV	Belmont North	NSW	RBA Holdings Pty Ltd	655.5	23/10/2012	22/10/2013
TV	Belmont North	NSW	RBA Holdings Pty Ltd	676.5	23/10/2012	22/10/2013
TV	Coffs Harbour North	NSW	RBA Holdings Pty Ltd	697.5	23/10/2012	22/10/2013
TV	Coffs Harbour North	NSW	RBA Holdings Pty Ltd	718.5	23/10/2012	22/10/2013
TV	Coffs Harbour North	NSW	RBA Holdings Pty Ltd	746.5	23/10/2012	22/10/2013
TV	Coffs Harbour North	NSW	RBA Holdings Pty Ltd	767.5	23/10/2012	22/10/2013
TV	Coffs Harbour North	NSW	RBA Holdings Pty Ltd	788.5	23/10/2012	22/10/2013
TV	Coffs Harbour South	NSW	RBA Holdings Pty Ltd	655.5	23/10/2012	22/10/2013
TV	Coffs Harbour South	NSW	RBA Holdings Pty Ltd	662.5	23/10/2012	22/10/2013
TV	Coffs Harbour South	NSW	RBA Holdings Pty Ltd	669.5	23/10/2012	22/10/2013
TV	Coffs Harbour South	NSW	RBA Holdings Pty Ltd	676.5	23/10/2012	22/10/2013
TV	Coffs Harbour South	NSW	RBA Holdings Pty Ltd	683.5	23/10/2012	22/10/2013
TV	Stroud	NSW	RBA Holdings Pty Ltd	718.5	23/10/2012	22/10/2013
TV	Stroud	NSW	RBA Holdings Pty Ltd	753.5	23/10/2012	22/10/2013
TV	Stroud	NSW	RBA Holdings Pty Ltd	774.5	23/10/2012	22/10/2013
TV	Stroud	NSW	RBA Holdings Pty Ltd	795.5	23/10/2012	22/10/2013
TV	Stroud	NSW	RBA Holdings Pty Ltd	816.5	23/10/2012	22/10/2013
TV	Warialda	NSW	RBA Holdings Pty Ltd	718.5	23/10/2012	22/10/2013
TV	Warialda	NSW	RBA Holdings Pty Ltd	739.5	23/10/2012	22/10/2013
TV	Warialda	NSW	RBA Holdings Pty Ltd	760.5	23/10/2012	22/10/2013
TV	Warialda	NSW	RBA Holdings Pty Ltd	781.5	23/10/2012	22/10/2013
TV	Warialda	NSW	RBA Holdings Pty Ltd	802.5	23/10/2012	22/10/2013
TV	Woolgoolga	NSW	RBA Holdings Pty Ltd	683.5	23/10/2012	22/10/2013

TV	Woolgoolga	NSW	RBA Holdings Pty Ltd	690.5	23/10/2012	22/10/2013
TV	Woolgoolga	NSW	RBA Holdings Pty Ltd	669.5	23/10/2012	22/10/2013
TV	Woolgoolga	NSW	RBA Holdings Pty Ltd	676.5	23/10/2012	22/10/2013
TV	Woolgoolga	NSW	RBA Holdings Pty Ltd	655.5	23/10/2012	22/10/2013
Radio	Hopetoun (WA)	WA	Shire of Ravensthorpe	94.1	13/11/2012	12/11/2013
Radio	Hopetoun (WA)	WA	Shire of Ravensthorpe	95.7	13/11/2012	12/11/2013
Radio	Ravensthorpe	WA	Shire of Ravensthorpe	90.7	13/11/2012	12/11/2013
Radio	Ravensthorpe	WA	Shire of Ravensthorpe	94.7	13/11/2012	12/11/2013
Radio	Bunnaloo	SA	W & L Phillips Pty Limited	93.9	10/10/2012	09/10/2013
Radio	Meringur	SA	W & L Phillips Pty Limited	96.9	10/10/2012	09/10/2013
Radio	Speed	SA	W & L Phillips Pty Limited	95.3	10/10/2012	09/10/2013
TV	Chillagoe	Qld	Tablelands Regional Council	669.5	24/10/2012	23/10/2013
TV	Chillagoe	Qld	Tablelands Regional Council	655.5	24/10/2012	23/10/2013
TV	Chillagoe	Qld	Tablelands Regional Council	613.5	24/10/2012	23/10/2013
TV	Chillagoe	Qld	Tablelands Regional Council	627.5	24/10/2012	23/10/2013
TV	Chillagoe	Qld	Tablelands Regional Council	641.5	24/10/2012	23/10/2013
TV	Cervantes	WA	Shire of Dandaragan	669.5	11/12/2012	10/12/2013
TV	Cervantes	WA	Shire of Dandaragan	690.5	10/11/2012	09/11/2013
TV	Cervantes	WA	Shire of Dandaragan	676.5	11/12/2012	10/12/2013
TV	Cervantes	WA	Shire of Dandaragan	683.5	12/11/2012	11/11/2013
TV	Jurien	WA	Shire of Dandaragan	571.5	11/12/2012	10/12/2013
TV	Jurien	WA	Shire of Dandaragan	599.5	11/12/2012	10/12/2013
TV	Jurien	WA	Shire of Dandaragan	578.5	11/12/2012	10/12/2013
TV	Jurien	WA	Shire of Dandaragan	585.5	11/12/2012	10/12/2013
TV	Koorda	WA	Shire of Koorda	662.5	28/11/2012	27/11/2013
TV	Koorda	WA	Shire of Koorda	655.5	28/11/2012	27/11/2013
TV	Koorda	WA	Shire of Koorda	669.5	28/11/2012	27/11/2013
TV	Koorda	WA	Shire of Koorda	683.5	28/11/2012	27/11/2013
TV	Koorda	WA	Shire of Koorda	690.5	28/11/2012	27/11/2013
TV	Sydney North West	NSW	Tx Australia Pty Limited	543.5	20/12/2012	31/12/2013
TV	Sydney North West	NSW	Tx Australia Pty Limited	557.5	20/12/2012	31/12/2013
TV	Sydney North West	NSW	Tx Australia Pty Limited	564.5	20/12/2012	31/12/2013
TV	Sydney North West	NSW	Tx Australia Pty Limited	648.5	20/12/2012	31/12/2013
TV	Sydney North West	NSW	Tx Australia Pty Limited	669.5	20/12/2012	31/12/2013
TV	Sydney South West	NSW	Tx Australia Pty Limited	620.5	20/12/2012	19/12/2013
TV	Sydney South West	NSW	Tx Australia Pty Limited	641.5	20/12/2012	19/12/2013
TV	Sydney South West	NSW	Tx Australia Pty Limited	662.5	20/12/2012	19/12/2013
TV	Sydney South West	NSW	Tx Australia Pty Limited	683.5	20/12/2012	19/12/2013

TV	Sydney South West	NSW	Tx Australia Pty Limited	781.5	20/12/2012	19/12/2013
TV	Picton	NSW	Tx Australia Pty Limited	620.5	20/12/2012	19/12/2013
TV	Picton	NSW	Tx Australia Pty Limited	641.5	20/12/2012	19/12/2013
TV	Picton	NSW	Tx Australia Pty Limited	662.5	20/12/2012	19/12/2013
TV	Picton	NSW	Tx Australia Pty Limited	683.5	20/12/2012	19/12/2013
TV	Picton	NSW	Tx Australia Pty Limited	781.5	20/12/2012	19/12/2013
TV	Woronora	NSW	Tx Australia Pty Limited	613.5	21/12/2012	20/12/2013
TV	Woronora	NSW	Tx Australia Pty Limited	620.5	21/12/2012	20/12/2013
TV	Woronora	NSW	Tx Australia Pty Limited	627.5	21/12/2012	20/12/2013
TV	Woronora	NSW	Tx Australia Pty Limited	634.5	21/12/2012	20/12/2013
TV	Woronora	NSW	Tx Australia Pty Limited	641.5	21/12/2012	20/12/2013
TV	Anna Bay	NSW	RBA Holdings Pty Ltd	655.5	07/12/2012	31/12/2012
TV	Anna Bay	NSW	RBA Holdings Pty Ltd	662.5	07/12/2012	31/12/2013
TV	Anna Bay	NSW	RBA Holdings Pty Ltd	676.5	07/12/2012	31/12/2013
TV	Anna Bay	NSW	RBA Holdings Pty Ltd	683.5	07/12/2012	31/12/2013
TV	Anna Bay	NSW	RBA Holdings Pty Ltd	718.5	07/12/2012	31/12/2013
TV	Warners Bay	NSW	RBA Holdings Pty Ltd	550.5	07/12/2012	31/12/2012
TV	Warners Bay	NSW	RBA Holdings Pty Ltd	613.5	07/12/2012	31/12/2013
TV	Warners Bay	NSW	RBA Holdings Pty Ltd	634.5	07/12/2012	31/12/2013
TV	Warners Bay	NSW	RBA Holdings Pty Ltd	655.5	07/12/2012	31/12/2013
TV	Warners Bay	NSW	RBA Holdings Pty Ltd	676.5	07/12/2012	31/12/2013
TV	Forth	Tas.	RBA Holdings Pty Ltd	599.5	05/02/2013	04/02/2014
TV	Forth	Tas.	RBA Holdings Pty Ltd	620.5	05/02/2013	04/02/2014
TV	Forth	Tas.	RBA Holdings Pty Ltd	641.5	05/02/2013	04/02/2014
TV	Forth	Tas.	RBA Holdings Pty Ltd	683.5	05/02/2013	04/02/2014
TV	Forth	Tas.	RBA Holdings Pty Ltd	697.5	05/02/2013	04/02/2014
TV	Hillwood	Tas.	RBA Holdings Pty Ltd	669.5	05/02/2013	04/02/2014
TV	Hillwood	Tas.	RBA Holdings Pty Ltd	676.5	05/02/2013	04/02/2014
TV	Hillwood	Tas.	RBA Holdings Pty Ltd	690.5	05/02/2013	04/02/2014
TV	Neika/Leslie Vale	Tas.	RBA Holdings Pty Ltd	655.5	05/02/2013	04/02/2014
TV	Neika/Leslie Vale	Tas.	RBA Holdings Pty Ltd	662.5	05/02/2013	04/02/2014
TV	Neika/Leslie Vale	Tas.	RBA Holdings Pty Ltd	669.5	05/02/2013	04/02/2014
TV	Neika/Leslie Vale	Tas.	RBA Holdings Pty Ltd	676.5	05/02/2013	04/02/2014
TV	Neika/Leslie Vale	Tas.	RBA Holdings Pty Ltd	683.5	05/02/2013	04/02/2014
TV	Anglesea/Aireys Inlet	Vic.	Tx Australia Pty Limited	550.5	20/12/2012	19/12/2013
TV	Anglesea/Aireys Inlet	Vic.	Tx Australia Pty Limited	564.5	20/12/2012	19/12/2013
TV	Anglesea/Aireys Inlet	Vic.	Tx Australia Pty Limited	606.5	20/12/2012	19/12/2013
TV	Anglesea/Aireys Inlet	Vic.	Tx Australia Pty Limited	627.5	20/12/2012	19/12/2013
TV	Anglesea/Aireys Inlet	Vic.	Tx Australia Pty Limited	725.5	20/12/2012	19/12/2013
TV	Normanville	SA	Tx Australia Pty Limited	578.5	21/12/2012	20/12/2013
TV	Normanville	SA	Tx Australia Pty Limited	585.5	21/12/2012	20/12/2013
TV	Normanville	SA	Tx Australia Pty Limited	592.5	21/12/2012	20/12/2013
TV	Normanville	SA	Tx Australia Pty Limited	599.5	21/12/2012	20/12/2013
TV	Normanville	SA	Tx Australia Pty Limited	606.5	21/12/2012	20/12/2013

TV	Wye River	Vic.	Tx Australia Pty Limited	571.5	21/12/2012	20/12/2013
TV	Wye River	Vic.	Tx Australia Pty Limited	578.5	21/12/2012	20/12/2013
TV	Wye River	Vic.	Tx Australia Pty Limited	592.5	21/12/2012	20/12/2013
TV	Wye River	Vic.	Tx Australia Pty Limited	718.5	21/12/2012	20/12/2013
TV	Yankalilla	SA	Tx Australia Pty Limited	627.5	21/12/2012	20/12/2013
TV	Yankalilla	SA	Tx Australia Pty Limited	634.5	21/12/2012	20/12/2013
TV	Yankalilla	SA	Tx Australia Pty Limited	641.5	21/12/2012	20/12/2013
TV	Yankalilla	SA	Tx Australia Pty Limited	620.5	21/12/2012	20/12/2013
TV	Yankalilla	SA	Tx Australia Pty Limited	648.5	21/12/2012	20/12/2013
Radio	Burton Coal Mine	Qld	Thiess Pty Ltd	95.5	10/12/2012	09/12/2013
Radio	Coppabella	Qld	Peabody Energy Australia PCI Pty Ltd	103.9	05/12/2012	04/12/2013
TV	Tambo	Qld	Blackall—Tambo Regional Council	557.5	11/12/2012	10/12/2013
Radio	Burton Coal Mine	Qld	Thiess Pty Ltd	97.9	10/12/2012	09/12/2013
Radio	Burton Coal Mine	Qld	Thiess Pty Ltd	105.9	10/12/2012	09/12/2013
TV	Cape Jervis	SA	Tx Australia Pty Limited	620.5	25/01/2013	24/01/2014
TV	Cape Jervis	SA	Tx Australia Pty Limited	627.5	25/01/2013	24/01/2014
TV	Cape Jervis	SA	Tx Australia Pty Limited	634.5	25/01/2013	24/01/2014
TV	Cape Jervis	SA	Tx Australia Pty Limited	641.5	25/01/2013	24/01/2014
TV	Cape Jervis	SA	Tx Australia Pty Limited	648.5	25/01/2013	24/01/2014
TV	Lyndoch	SA	Tx Australia Pty Limited	704.5	25/01/2013	24/01/2014
TV	Lyndoch	SA	Tx Australia Pty Limited	725.5	25/01/2013	24/01/2014
TV	Lyndoch	SA	Tx Australia Pty Limited	746.5	25/01/2013	24/01/2014
TV	Lyndoch	SA	Tx Australia Pty Limited	767.5	25/01/2013	24/01/2014
TV	Lyndoch	SA	Tx Australia Pty Limited	788.5	25/01/2013	24/01/2014
TV	Myponga	SA	Tx Australia Pty Limited	620.5	25/01/2013	24/01/2014
TV	Myponga	SA	Tx Australia Pty Limited	627.5	25/01/2013	24/01/2014
TV	Myponga	SA	Tx Australia Pty Limited	634.5	25/01/2013	24/01/2014
TV	Myponga	SA	Tx Australia Pty Limited	641.5	25/01/2013	24/01/2014
TV	Myponga	SA	Tx Australia Pty Limited	648.5	25/01/2013	24/01/2014
TV	Tambo	Qld	Blackall—Tambo Regional Council	543.5	11/12/2012	10/12/2013
TV	Tambo	Qld	Blackall—Tambo Regional Council	529.5	11/12/2012	10/12/2013
TV	Tambo	Qld	Blackall—Tambo Regional Council	571.5	11/12/2012	10/12/2013
TV	Batchelor	NT	Batchelor Institute of Indigenous Tertiary Education	617	05/12/2012	04/12/2013
Radio	Boddington Bauxite Mine	WA	BHP Billiton Worsley Alumina Pty Ltd	95.3	30/11/2012	29/11/2013
TV	Upper Derwent Valley	Tas.	Derwent Valley Council	627.5	30/11/2012	29/11/2013
TV	Burketown	Qld	Burke Shire Council	655.5	04/02/2013	03/02/2014
TV	Burketown	Qld	Burke Shire Council	641.5	04/02/2013	03/02/2014
Radio	Roxby Downs	SA	Municipal Council of Roxby Downs	93.9	10/12/2012	09/12/2013
TV	Burketown	Qld	Burke Shire Council	669.5	04/02/2013	03/02/2014
TV	Burketown	Qld	Burke Shire Council	613.5	04/02/2013	03/02/2014

Radio	Cairns	Qld	Australian Broadcasting Corporation	100.3	01/12/2012	31/03/2013
Radio	Roxby Downs	SA	Municipal Council of Roxby Downs	92.3	10/12/2012	09/12/2013
TV	Wongan Hills Town	WA	Shire of Wongan Ballidu	655.5	19/12/2012	12/04/2013
Radio	Cairns	Qld	Australian Broadcasting Corporation	100.3	01/12/2012	31/05/2013
TV	Wongan Hills Town	WA	Shire of Wongan Ballidu	669.5	19/12/2012	23/04/2013
TV	Wongan Hills Town	WA	Shire of Wongan Ballidu	683.5	19/12/2012	23/04/2013
TV	Lancelin	WA	Tx Australia Pty Limited	613.5	25/01/2013	24/01/2014
TV	Lancelin	WA	Tx Australia Pty Limited	620.5	25/01/2013	24/01/2014
TV	Lancelin	WA	Tx Australia Pty Limited	627.5	25/01/2013	24/01/2014
TV	Lancelin	WA	Tx Australia Pty Limited	634.5	25/01/2013	24/01/2014
TV	Lancelin	WA	Tx Australia Pty Limited	641.5	25/01/2013	24/01/2014
TV	Strathalbyn	SA	Tx Australia Pty Limited	620.5	25/01/2013	24/01/2014
TV	Strathalbyn	SA	Tx Australia Pty Limited	627.5	25/01/2013	24/01/2014
TV	Strathalbyn	SA	Tx Australia Pty Limited	634.5	25/01/2013	24/01/2014
TV	Strathalbyn	SA	Tx Australia Pty Limited	641.5	25/01/2013	24/01/2014
TV	Strathalbyn	SA	Tx Australia Pty Limited	648.5	25/01/2013	24/01/2014
Radio	Naracoorte	SA	Naracoorte Lucindale Council	88.7	24/04/2013	23/04/2014
Radio	Yarrabee Mine	Qld	Yarrabee Coal Company Pty Ltd	101.7	08/03/2013	07/03/2014
Radio	Marandoo Mine Pit	WA	Pilbara Iron Company (Services) Pty Ltd	106.9	10/04/2013	09/04/2014
Radio	Marandoo Mine Pit	WA	Pilbara Iron Company (Services) Pty Ltd	105.3	10/04/2013	09/04/2014
Radio	Marandoo Mine Pit	WA	Pilbara Iron Company (Services) Pty Ltd	102.1	10/04/2013	09/04/2014
Radio	Marandoo Mine Pit	WA	Pilbara Iron Company (Services) Pty Ltd	103.7	10/04/2013	09/04/2014
Radio	Marandoo Mine Pit	WA	Pilbara Iron Company (Services) Pty Ltd	100.5	10/04/2013	09/04/2014
Radio	Western Turner Syncline Mine	WA	Pilbara Iron Company (Services) Pty Ltd	88.9	26/03/2013	25/03/2014
Radio	Western Turner Syncline Mine	WA	Pilbara Iron Company (Services) Pty Ltd	90.5	26/03/2013	25/03/2014
Radio	Western Turner Syncline Mine	WA	Pilbara Iron Company (Services) Pty Ltd	92.1	26/03/2013	25/03/2014
Radio	Western Turner Syncline Mine	WA	Pilbara Iron Company (Services) Pty Ltd	93.7	26/03/2013	25/03/2014
Radio	Western Turner Syncline Mine	WA	Pilbara Iron Company (Services) Pty Ltd	95.3	26/03/2013	25/03/2014
TV	Karumba	Qld	Carpentaria Shire Council	655.5	06/03/2013	05/03/2014
TV	Karumba	Qld	Carpentaria Shire Council	627.5	06/03/2013	05/03/2014
TV	Karumba	Qld	Carpentaria Shire Council	613.5	06/03/2013	05/03/2014
TV	Karumba	Qld	Carpentaria Shire Council	641.5	06/03/2013	05/03/2014
TV	Normanton	Qld	Carpentaria Shire Council	620.5	06/03/2013	05/03/2014
TV	Normanton	Qld	Carpentaria Shire Council	634.5	06/03/2013	05/03/2014
TV	Normanton	Qld	Carpentaria Shire Council	620.5	06/03/2013	05/03/2014
TV	Normanton	Qld	Carpentaria Shire Council	648.5	06/03/2013	05/03/2014
Radio	Nammuldi Mine	WA	Pilbara Iron Company (Services) Pty Ltd	89.7	10/04/2013	09/04/2014

Radio	Nammuldi Mine	WA	Pilbara Iron Company (Services) Pty Ltd	91.3	10/04/2013	09/04/2014
Radio	Nammuldi Mine	WA	Pilbara Iron Company (Services) Pty Ltd	92.9	10/04/2013	09/04/2014
Radio	Nummuldi Mine	WA	Pilbara Iron Company (Services) Pty Ltd	94.5	10/04/2013	09/04/2014
Radio	Nammuldi Mine	WA	Pilbara Iron Company (Services) Pty Ltd	97.7	10/04/2013	09/04/2014
TV	Vlaming Head	WA	Ningaloo Light House Resort Exmouth Pty Ltd	641.5	11/04/2013	10/04/2014
TV	Onslow	WA	Shire of Ashburton	620.5	27/03/2013	26/03/2014
TV	Vlaming Head	WA	Ningaloo Light House Resort Exmouth Pty Ltd	669.5	11/04/2013	10/04/2014
TV	Vlaming Head	WA	Ningaloo Light House Resort Exmouth Pty Ltd	613.5	11/04/2012	10/04/2013
TV	Vlaming Head	WA	Ningaloo Light House Resort Exmouth Pty Ltd	627.5	11/04/2013	10/04/2014
TV	Vlaming Head	WA	Ningaloo Light House Resort Exmouth Pty Ltd	655.5	11/04/2013	10/04/2014
TV	Onslow	WA	Shire of Ashburton	634.5	27/03/2013	26/03/2014
TV	Onslow	WA	Shire of Ashburton	648.5	27/03/2013	26/03/2014
TV	Onslow	WA	Shire of Ashburton	662.5	27/03/2013	26/03/2014
Radio	Mount Margaret Mine	Qld	Ernest Henry Mine	95.3	04/07/2013	03/07/2014
Radio	Mount Margaret Mine	Qld	Ernest Henry Mine	96.9	04/07/2013	03/07/2014
Radio	Mount Margaret Mine	Qld	Ernest Henry Mine	98.5	04/07/2013	03/07/2014
TV	Brisbane South East	Qld	Tx Australia Pty Limited	536.5	07/05/2013	02/05/2014
TV	Strathalbyn	SA	Tx Australia Pty Limited	620.5	25/01/2013	24/01/2014
TV	Strathalbyn	SA	Tx Australia Pty Limited	627.5	25/01/2013	24/01/2014
TV	Strathalbyn	SA	Tx Australia Pty Limited	634.5	25/01/2013	24/01/2014
TV	Strathalbyn	SA	Tx Australia Pty Limited	641.5	25/01/2013	24/01/2014
TV	Strathalbyn	SA	Tx Australia Pty Limited	648.5	25/01/2013	24/01/2014
Radio	Naracoorte	SA	Naracoorte Lucindale Council	88.7	24/04/2013	23/04/2014
Radio	Yarrabee Mine	Qld	Yarrabee Coal Company Pty Ltd	101.7	08/03/2013	07/03/2014
Radio	Marandoo Mine Pit	WA	Pilbara Iron Company (Services) Pty Ltd	106.9	10/04/2013	09/04/2014
Radio	Marandoo Mine Pit	WA	Pilbara Iron Company (Services) Pty Ltd	105.3	10/04/2013	09/04/2014
Radio	Marandoo Mine Pit	WA	Pilbara Iron Company (Services) Pty Ltd	102.1	10/04/2013	09/04/2014
Radio	Marandoo Mine Pit	WA	Pilbara Iron Company (Services) Pty Ltd	103.7	10/04/2013	09/04/2014
Radio	Marandoo Mine Pit	WA	Pilbara Iron Company (Services) Pty Ltd	100.5	10/04/2013	09/04/2014
Radio	Western Turner Syncline Mine	WA	Pilbara Iron Company (Services) Pty Ltd	88.9	26/03/2013	25/03/2014
Radio	Western Turner Syncline Mine	WA	Pilbara Iron Company (Services) Pty Ltd	90.5	26/03/2013	25/03/2014
Radio	Western Turner Syncline Mine	WA	Pilbara Iron Company (Services) Pty Ltd	92.1	26/03/2013	25/03/2014

Radio	Western Turner Syncline Mine	WA	Pilbara Iron Company (Services) Pty Ltd	93.7	26/03/2013	25/03/2014
Radio	Western Turner Syncline Mine	WA	Pilbara Iron Company (Services) Pty Ltd	95.3	26/03/2013	25/03/2014
TV	Karumba	Qld	Carpentaria Shire Council	655.5	06/03/2013	05/03/2014
TV	Karumba	Qld	Carpentaria Shire Council	627.5	06/03/2013	05/03/2014
TV	Karumba	Qld	Carpentaria Shire Council	613.5	06/03/2013	05/03/2014
TV	Karumba	Qld	Carpentaria Shire Council	641.5	06/03/2013	05/03/2014
TV	Normanton	Qld	Carpentaria Shire Council	620.5	06/03/2013	05/03/2014
TV	Normanton	Qld	Carpentaria Shire Council	634.5	06/03/2013	05/03/2014
TV	Normanton	Qld	Carpentaria Shire Council	620.5	06/03/2013	05/03/2014
TV	Normanton	Qld	Carpentaria Shire Council	648.5	06/03/2013	05/03/2014
Radio	Nammuldi Mine	WA	Pilbara Iron Company (Services) Pty Ltd	89.7	10/04/2013	09/04/2014
Radio	Nammuldi Mine	WA	Pilbara Iron Company (Services) Pty Ltd	91.3	10/04/2013	09/04/2014
Radio	Nammuldi Mine	WA	Pilbara Iron Company (Services) Pty Ltd	92.9	10/04/2013	09/04/2014
Radio	Nummuldi Mine	WA	Pilbara Iron Company (Services) Pty Ltd	94.5	10/04/2013	09/04/2014
Radio	Nammuldi Mine	WA	Pilbara Iron Company (Services) Pty Ltd	97.7	10/04/2013	09/04/2014
TV	Vlaming Head	WA	Ningaloo Light House Resort Exmouth Pty Ltd	641.5	11/04/2013	10/04/2014
TV	Onslow	WA	Shire of Ashburton	620.5	27/03/2013	26/03/2014
TV	Vlaming Head	WA	Ningaloo Light House Resort Exmouth Pty Ltd	669.5	11/04/2013	10/04/2014
TV	Vlaming Head	WA	Ningaloo Light House Resort Exmouth Pty Ltd	613.5	11/04/2012	10/04/2013
TV	Vlaming Head	WA	Ningaloo Light House Resort Exmouth Pty Ltd	627.5	11/04/2013	10/04/2014
TV	Vlaming Head	WA	Ningaloo Light House Resort Exmouth Pty Ltd	655.5	11/04/2013	10/04/2014
TV	Onslow	WA	Shire of Ashburton	634.5	27/03/2013	26/03/2014
TV	Onslow	WA	Shire of Ashburton	648.5	27/03/2013	26/03/2014
TV	Onslow	WA	Shire of Ashburton	662.5	27/03/2013	26/03/2014
Radio	Mount Margaret Mine	Qld	Ernest Henry Mine	95.3	04/07/2013	03/07/2014
Radio	Mount Margaret Mine	Qld	Ernest Henry Mine	96.9	04/07/2013	03/07/2014
Radio	Mount Margaret Mine	Qld	Ernest Henry Mine	98.5	04/07/2013	03/07/2014
TV	Brisbane South East	Qld	Tx Australia Pty Limited	536.5	07/05/2013	02/05/2014
TV	Brisbane South East	Qld	Tx Australia Pty Limited	578.5	07/05/2013	02/05/2014
TV	Brisbane South East	Qld	Tx Australia Pty Limited	557.5	07/05/2013	02/05/2014
TV	Brisbane South East	Qld	Tx Australia Pty Limited	620.5	07/05/2013	02/05/2014
TV	Brisbane South East	Qld	Tx Australia Pty Limited	641.5	07/05/2013	02/05/2014
TV	Brisbane North West	Qld	Tx Australia Pty Limited	620.5	07/05/2013	02/05/2014

TV	Brisbane North West	Qld	Tx Australia Pty Limited	634.5	07/05/2013	02/05/2014
TV	Brisbane North West	Qld	Tx Australia Pty Limited	641.5	07/05/2013	02/05/2014
TV	Brisbane North West	Qld	Tx Australia Pty Limited	795.5	07/05/2013	02/05/2014
TV	Brisbane North West	Qld	Tx Australia Pty Limited	816.5	07/05/2013	02/05/2014
TV	Two Rocks	WA	Tx Australia Pty Limited	529.5	07/05/2013	02/05/2014
TV	Two Rocks	WA	Tx Australia Pty Limited	599.5	07/05/2013	02/05/2014
TV	Two Rocks	WA	Tx Australia Pty Limited	550.5	07/05/2013	02/05/2014
TV	Two Rocks	WA	Tx Australia Pty Limited	599.5	07/05/2013	02/05/2014
Radio	Telfer Mine West Dome	WA	Newcrest Mining Limited	90.1	27/03/2013	26/03/2014
Radio	Century Mine Pit	Qld	MMG Century Limited	91.3	24/05/2013	23/05/2014
Radio	Telfer	WA	Newcrest Mining Limited	94.9	14/05/2013	13/05/2014
Radio	Telfer Mine West Dome	WA	Newcrest Mining Limited	91.7	27/03/2013	26/03/2014
Radio	Telfer Mine West Dome	WA	Newcrest Mining Limited	93.3	27/03/2013	26/03/2014
Radio	Telfer Mine West Dome	WA	Newcrest Mining Limited	94.9	27/03/2013	26/03/2014
Radio	Leonora	WA	Shire of Leonora	93.7	28/06/2013	27/06/2014
TV	Quilpie	Qld	Quilpie Shire Council		28/03/2013	29/09/2013
Radio	Harrietville	Vic.	Harrietville Television Inc.	98.7	19/04/2013	18/04/2014
Radio	Century Mine Pit	Qld	MMG Century Limited	89.7	24/04/2013	23/04/2014
Radio	Century Mine Pit	Qld	MMG Century Limited	92.9	24/04/2013	23/04/2014
Radio	Century Mine Pit	Qld	MMG Century Limited	94.5	24/04/2013	23/04/2014
TV	Mandurah	WA	Tx Australia Pty Limited	543.5	05/05/7273	02/05/2014
TV	Mandurah	WA	Tx Australia Pty Limited	550.5	05/05/7273	02/05/2014
TV	Mandurah	WA	Tx Australia Pty Limited	648.5	05/05/7273	02/05/2014
TV	Christmas Island Drumsite	WA	Department of Regional Australia, Regional Development and Local Government	177.5	11/06/2013	10/06/2014
TV	Christmas Island Drumsite	WA	Department of Regional Australia, Regional Development and Local Government	184.5	11/06/2013	10/06/2014
TV	Christmas Island Drumsite	WA	Department of Regional Australia, Regional Development and Local Government	212.5	11/06/2013	10/06/2014
TV	Christmas Island Drumsite	WA	Department of Regional Australia, Regional Development and Local Government	191.5	11/06/2013	10/06/2014
TV	Christmas Island Drumsite	WA	Department of Regional Australia, Regional Development and Local Government	219.5	11/06/2013	10/06/2014
TV	Christmas Island Phosphate Hill	WA	Department of Regional Australia, Regional Development and Local Government	571.5	11/06/2013	10/06/2014

TV	Christmas Island Phosphate Hill	WA	Department of Regional Australia, Regional Development and Local Government	578.5	11/06/2013	10/06/2014
TV	Christmas Island Phosphate Hill	WA	Department of Regional Australia, Regional Development and Local Government	592.5	11/06/2013	10/06/2014
TV	Christmas Island Phosphate Hill	WA	Department of Regional Australia, Regional Development and Local Government	585.5	11/06/2013	10/06/2014
TV	Christmas Island Phosphate Hill	WA	Department of Regional Australia, Regional Development and Local Government	599.5	11/06/2013	10/06/2014
TV	Christmas Island Rocky Point	WA	Department of Regional Australia, Regional Development and Local Government	613.5	11/04/2013	10/04/2014
TV	Christmas Island Rocky Point	WA	Department of Regional Australia, Regional Development and Local Government	634.5	11/06/2013	10/06/2014
TV	Cocos Islands	WA	Department of Regional Australia, Regional Development and Local Government	177.5	11/06/2013	10/06/2014
TV	Cocos Islands	WA	Department of Regional Australia, Regional Development and Local Government	184.5	11/06/2013	10/06/2014
TV	Cocos Islands	WA	Department of Regional Australia Regional Development and Local Government	212.5	11/06/2013	10/06/2014
TV	Cocos Islands	WA	Department of Regional Australia, Regional Development and Local Government	191.5	11/06/2013	10/06/2014
TV	Cocos Islands	WA	Department of Regional Australia, Regional Development and Local Government	219.5	11/06/2013	10/06/2014
TV	Melbourne Inner Suburbs	Vic.	Tx Australia Pty Limited	690.5	04/07/2013	03/07/2014
TV	Melbourne Inner Suburbs	Vic.	Tx Australia Pty Limited	711.5	04/07/2013	03/07/2014
TV	Melbourne Inner Suburbs	Vic.	Tx Australia Pty Limited	732.5	04/07/2013	03/07/2014
TV	Melbourne Inner Suburbs	Vic.	Tx Australia Pty Limited	753.5	04/07/2013	03/07/2014
TV	Melbourne Inner Suburbs	Vic.	Tx Australia Pty Limited	774.5	04/07/2013	03/07/2014
TV	Christmas Island Rocky Point	WA	Department of Regional Australia, Regional Development and Local Government	620.5	11/06/2013	10/06/2014
Radio	Prominent Hill Mine	SA	OZ Minerals Prominent Hill Pty Ltd	92.9	13/06/2013	12/06/2014
Radio	Dullingari	SA	Santos Limited	105.3	05/06/2013	04/06/2014
Radio	Dullingari	SA	Santos Limited	106.9	05/06/2013	04/06/2014

Radio	Garden Well Mine	WA	Regis Resources Limited	106.5	30/05/2013	29/05/2014
Radio	Garden Well Mine	WA	Regis Resources Limited	104.9	30/05/2013	29/05/2014
Radio	Garden Well Mine	WA	Regis Resources Limited	103.3	30/05/2013	29/05/2014

Table 49: National services, 2012–13

Radio/ TV	Area	Applicant	Frequency (MHz)/ channel	Date of effect	Date of expiry
TV	Pannawonica	Special Broadcasting Service Corporation	212.5	31/07/2012	30/07/2017
TV	Karratha	Special Broadcasting Service Corporation	788.5	31/07/2012	30/07/2017
TV	Katanning	Special Broadcasting Service Corporation	641.5	31/07/2012	30/07/2013
TV	Armidale North	Australian Broadcasting Corporation	184.5	13/08/2012	30/11/2013
TV	Mullewa	Australian Broadcasting Corporation	655.5	13/08/2012	30/11/2013
TV	Hillwood	Australian Broadcasting Corporation	662.5	13/08/2012	30/11/2013
TV	Wyndham	Special Broadcasting Service Corporation	219.5	03/09/2012	02/09/2013
TV	Fitzroy Crossing	Special Broadcasting Service Corporation	613.5	03/09/2012	02/09/2013
TV	Paraburdoo	Special Broadcasting Service Corporation	226.5	03/09/2012	02/09/2013
TV	Mullewa	Special Broadcasting Service Corporation	662.5	03/09/2012	02/09/2013
TV	Ocean Shores	Special Broadcasting Service Corporation	655.5	04/09/2012	03/09/2013
TV	Kununurra East	Special Broadcasting Service Corporation	620.5	04/09/2012	03/09/2013
TV	Kununurra East	Australian Broadcasting Corporation	613.5	28/08/2012	30/11/2013
TV	Fitzroy Crossing	Australian Broadcasting Corporation	620.5	28/08/2012	30/11/2013
TV	Halls Creek	Special Broadcasting Service Corporation	205.5	04/09/2012	03/09/2013
TV	Swansea	Australian Broadcasting Corporation	662.5	25/09/2012	30/11/2013
TV	Waratah	Australian Broadcasting Corporation	578.5	28/09/2012	30/11/2013
TV	Northampton	Australian Broadcasting Corporation	655.5	05/10/2012	30/11/2013
TV	Clare	Australian Broadcasting Corporation	662.5	12/10/2012	30/11/2013
TV	Kingston SE	Australian Broadcasting Corporation	599.5	11/10/2012	30/11/2013
TV	Strahan	Australian Broadcasting Corporation	620.5	02/11/2012	30/11/2013
TV	Northampton	Special Broadcasting Service Corporation	662.5	17/10/2012	16/10/2013
TV	Daly River	Australian Broadcasting Corporation	184.5	31/10/2012	30/11/2013
TV	Alpha	Australian Broadcasting Corporation	198.5	31/10/2012	30/11/2013

TV	Aramac	Australian Broadcasting Corporation	191.5	31/10/2012	30/11/2013
TV	Camooweal	Australian Broadcasting Corporation	184.5	31/10/2012	30/11/2013
TV	Cue	Australian Broadcasting Corporation	212.5	31/10/2012	30/11/2013
TV	Hopetoun (WA)	Australian Broadcasting Corporation	613.5	31/10/2012	30/11/2013
TV	Jericho	Australian Broadcasting Corporation	177.5	31/10/2012	30/11/2013
TV	Julia Creek	Australian Broadcasting Corporation	219.5	31/10/2012	30/11/2013
TV	Laverton	Australian Broadcasting Corporation	219.5	31/10/2012	30/11/2013
TV	Leonora	Australian Broadcasting Corporation	212.5	31/10/2012	30/11/2013
TV	Meandarra	Australian Broadcasting Corporation	662.5	31/10/2012	30/11/2013
TV	Ravensthorpe	Australian Broadcasting Corporation	212.5	31/10/2012	30/11/2013
TV	Hawker	Australian Broadcasting Corporation	662.5	31/10/2012	30/11/2013
TV	Normanton	Australian Broadcasting Corporation	191.5	31/10/2012	30/11/2013
TV	Borroloola	Australian Broadcasting Corporation	212.5	31/10/2012	30/11/2013
TV	Karumba	Australian Broadcasting Corporation	184.625	31/10/2012	30/11/2013
TV	Menindee	Australian Broadcasting Corporation	620.5	31/10/2012	30/11/2013
TV	Crookwell	Australian Broadcasting Corporation	557.5	31/10/2012	30/11/2013
TV	Batchelor	Special Broadcasting Service Corporation	205.5	07/12/2012	06/12/2013
TV	Meekatharra	Special Broadcasting Service Corporation	205.5	07/12/2012	06/12/2013
TV	Mount Magnet	Special Broadcasting Service Corporation	205.5	07/12/2012	06/12/2013
TV	Bordertown	Australian Broadcasting Corporation	627.5	27/11/2012	30/11/2013
TV	Burra	Australian Broadcasting Corporation	578.5	27/11/2012	30/11/2013
TV	Caralue Bluff	Australian Broadcasting Corporation	662.5	27/11/2012	30/11/2013
TV	Cowell	Australian Broadcasting Corporation	585.5	27/11/2012	30/11/2013
TV	Lameroo	Australian Broadcasting Corporation	627.5	27/11/2012	30/11/2013
TV	Pinnaroo	Australian Broadcasting Corporation	599.5	27/11/2012	30/11/2013
TV	Port Lincoln	Australian Broadcasting Corporation	676.5	27/11/2012	30/11/2013
TV	Quorn	Australian Broadcasting Corporation	662.5	27/11/2012	30/11/2013
TV	Renmark/Loxton	Australian Broadcasting Corporation	550.5	27/11/2012	30/11/2013
TV	South East	Australian Broadcasting Corporation	550.5	27/11/2012	30/11/2013

TV	Spencer Gulf North	Australian Broadcasting Corporation	634.5	27/11/2012	30/11/2013
TV	Tumby Bay	Australian Broadcasting Corporation	543.5	27/11/2012	30/11/2013
TV	Waikerie	Australian Broadcasting Corporation	662.5	27/11/2012	30/11/2013
TV	Hillwood	Australian Broadcasting Corporation	662.5	27/11/2012	30/11/2013
TV	King Island	Australian Broadcasting Corporation	662.5	27/11/2012	30/11/2013
TV	Wirrulla	Australian Broadcasting Corporation	205.5	27/11/2012	30/11/2013
TV	Taroom	Australian Broadcasting Corporation	212.5	27/11/2012	30/11/2013
TV	Wandoan	Australian Broadcasting Corporation	662.5	27/11/2012	30/11/2012
TV	Roebourne	Special Broadcasting Service Corporation	191.5	07/12/2012	06/12/2013
TV	Maydena	Special Broadcasting Service Corporation	634.5	18/02/2013	17/02/2014
TV	Narembeen	Australian Broadcasting Corporation	683.5	04/02/2013	03/02/2014
TV	Dirranbandi	Australian Broadcasting Corporation	184.5	21/02/2013	30/11/2013
TV	Woomera	Australian Broadcasting Corporation	592.5	21/02/2013	30/11/2013
TV	Bedourie	Australian Broadcasting Corporation	177.5	21/02/2013	30/11/2013
TV	Carnamah	Special Broadcasting Service Corporation	662.5	13/02/2013	12/02/2014
TV	Ivanhoe	Australian Broadcasting Corporation	191.5	21/02/2013	30/11/2013
TV	Augathella	Australian Broadcasting Corporation	184.5	21/02/2013	30/11/2013
TV	Birdsville	Australian Broadcasting Corporation	184.5	21/02/2013	30/11/2013
TV	Muttaburra	Australian Broadcasting Corporation	219.5	21/02/2013	30/11/2013
TV	Carnamah	Australian Broadcasting Corporation	655.5	21/02/2013	30/11/2013
TV	Mingenew	Australian Broadcasting Corporation	655.5	21/02/2013	30/11/2013
TV	Yalgoo	Australian Broadcasting Corporation	212.5	21/02/2013	30/11/2013
TV	Waratah	Australian Broadcasting Corporation	578.5	21/02/2013	30/11/2013
TV	Wongan Hills	Australian Broadcasting Corporation	662.5	21/02/2013	30/11/2013
TV	Wagin	Australian Broadcasting Corporation	536.5	21/02/2013	30/11/2013
TV	Derby (Tas.)	Australian Broadcasting Corporation	662.5	21/02/2013	30/11/2013
TV	Mingenew	Special Broadcasting Service Corporation	662.5	22/03/2013	21/03/2014
TV	Moora	Special Broadcasting Service Corporation	606.5	22/03/2013	21/03/2014
TV	Goodooga	Australian Broadcasting Corporation	184.5	20/03/2013	30/11/2013

TV	Andamooka	Australian Broadcasting Corporation	184.5	05/04/2013	30/11/2013
TV	Bourke	Australian Broadcasting Corporation	177.5	05/04/2013	30/11/2013
TV	Morven	Australian Broadcasting Corporation	191.5	05/04/2013	30/11/2013
TV	Mount Garnet	Australian Broadcasting Corporation	578.5	05/04/2013	30/11/2013
TV	Mount Molloy	Australian Broadcasting Corporation	627.5	05/04/2013	30/11/2013
TV	Tambo	Australian Broadcasting Corporation	184.625	05/04/2013	30/11/2013
TV	Adelaide	Special Broadcasting Service Corporation	184.5	05/04/2013	30/11/2013
TV	Perth	Special Broadcasting Service Corporation	184.5	05/04/2013	30/11/2013
TV	Bruce Rock	Special Broadcasting Service Corporation	669.5	15/05/2013	14/05/2014
TV	Merredin	Special Broadcasting Service Corporation	669.5	15/05/2013	14/05/2014
TV	St Helens	Special Broadcasting Service Corporation	529.5	15/05/2013	14/05/2014
TV	Nhulunbuy	Special Broadcasting Service Corporation	177.5	15/05/2013	14/05/2014
TV	Bridgetown	Special Broadcasting Service Corporation	634.5	15/05/2013	14/05/2014
TV	Derby (Tas.)	Special Broadcasting Service Corporation	655.5	15/05/2013	14/05/2014
TV	Bathurst Island	Australian Broadcasting Corporation	219.5	15/05/2013	30/11/2014
TV	Galiwinku	Australian Broadcasting Corporation	212.5	15/05/2013	30/11/2014
TV	Georgetown	Australian Broadcasting Corporation	184.5	15/05/2013	30/11/2014
TV	Groote Eylandt	Australian Broadcasting Corporation	184.5	15/05/2013	30/11/2014
TV	Mataranka	Australian Broadcasting Corporation	191.5	15/05/2013	30/11/2014
TV	Kambalda	Australian Broadcasting Corporation	613.5	15/05/2013	30/11/2014
TV	Kojonup	Australian Broadcasting Corporation	683.5	15/05/2013	30/11/2014
TV	Merredin	Australian Broadcasting Corporation	683.5	15/05/2013	30/11/2014
TV	Dimbulah	Australian Broadcasting Corporation	627.5	15/05/2013	30/11/2014
TV	Nhulunbuy	Australian Broadcasting Corporation	184.5	15/05/2013	30/11/2014
TV	Pine Creek	Australian Broadcasting Corporation	212.5	15/05/2013	30/11/2014
TV	Surat	Australian Broadcasting Corporation	212.5	15/05/2013	30/11/2014
TV	Menzies	Australian Broadcasting Corporation	212.5	15/05/2013	30/11/2014
TV	Kambalda	Special Broadcasting Service Corporation	620.5	15/05/2013	14/05/2014
TV	Brisbane	Special Broadcasting Service Corporation	184.5	12/06/2013	15/12/2013

TV	Darwin City	Australian Broadcasting Corporation	620.5	12/06/2013	30/11/2014
TV	Murrumbidgee Irrigation Area	Australian Broadcasting Corporation	529.5	12/06/2013	30/11/2013
TV	Hay	Australian Broadcasting Corporation	620.5	12/06/2013	30/11/2013
TV	Hay	Special Broadcasting Service Corporation	613.5	12/06/2013	30/04/2014
TV	Norseman	Special Broadcasting Service Corporation	662.5	26/06/2013	25/06/2014
TV	Kojonup	Special Broadcasting Service Corporation	669.5	26/06/2013	25/06/2014
TV	Pemberton	Special Broadcasting Service Corporation	529.5	26/06/2013	25/06/2014
TV	Southern Cross Town	Special Broadcasting Service Corporation	529.5	26/06/2013	25/06/2014

**Table 50: Test transmissions, 2012–13**

Radio/ TV	Area	Applicant	Frequency (MHz)/ channel	Date of effect	Date of expiry
TV	Lileah	Southern Cross Television (TNT9) Pty Limited	184.5	28/08/2012	27/08/2013
Radio	Campbelltown	Campbelltown Radio Pty Limited	91.3	27/08/2012	26/11/2012

**Table 51: Commercial licences, 2012–13**

Area	State	Applicant	Purpose	Frequency	Date of effect	Date of expiry
Derby (Tas.)	Tas.	WIN Television TAS Pty Ltd	Commercial	676.5	16/11/2012	31/07/2013
Dover South	Tas.	WIN Television TAS Pty Ltd	Commercial	627.5	16/11/2012	31/07/2013
Rosebery	Tas.	WIN Television TAS Pty Ltd	Commercial	536.5	16/11/2012	31/07/2013
Swansea	Tas.	WIN Television TAS Pty Ltd	Commercial	676.5	16/11/2012	31/07/2013
Waratah	Tas.	WIN Television TAS Pty Ltd	Commercial	585.5	16/11/2012	31/07/2013
Bicheno	Tas.	Tasmanian Digital Television Pty Ltd	Commercial	606.5	29/11/2012	03/01/2014
Derby (Tas.)	Tas.	Tasmanian Digital Television Pty Ltd	Commercial	690.5	29/11/2012	03/01/2014
Dover South	Tas.	Tasmanian Digital Television Pty Ltd	Commercial	641.5	29/11/2012	03/01/2014
Rosebery	Tas.	Tasmanian Digital Television Pty Ltd	Commercial	543.5	29/11/2012	03/01/2014
Swansea	Tas.	Tasmanian Digital Television Pty Ltd	Commercial	683.5	29/11/2012	03/01/2014
Waratah	Tas.	Tasmanian Digital Television Pty Ltd	Commercial	592.5	29/11/2012	03/01/2014
Jabiru	NT	Regional Television Pty Limited	Commercial	571.5	17/10/2012	08/05/2013
King Island	Tas.	Tasmanian Digital Television Pty Ltd	Commercial	683.5	21/12/2012	26/12/2013

Lileah	Tas.	Tasmanian Digital Television Pty Ltd	Commercial	226.5	21/12/2012	26/12/2013
Maydena	Tas.	Tasmanian Digital Television Pty Ltd	Commercial	641.5	21/12/2012	26/12/2013
Queenstown/ Zeehan	Tas.	Tasmanian Digital Television Pty Ltd	Commercial	683.5	21/12/2012	26/12/2013
Smithton	Tas.	Tasmanian Digital Television Pty Ltd	Commercial	585.5	21/12/2012	26/12/2013
Strahan	Tas.	Tasmanian Digital Television Pty Ltd	Commercial	641.5	21/12/2012	26/12/2013
King Island	Tas.	Southern Cross Television (TNT9) Pty Limited	Commercial	669.5	15/11/2012	25/06/2014
Maydena	Tas.	Southern Cross Television (TNT9) Pty Limited	Commercial	648.5	15/11/2012	25/06/2014
Queenstown/ Zeehan	Tas.	Southern Cross Television (TNT9) Pty Limited	Commercial	669.5	15/11/2012	25/06/2014
Smithton	Tas.	Southern Cross Television (TNT9) Pty Limited	Commercial	571.5	15/11/2012	25/06/2014
Strahan	Tas.	Southern Cross Television (TNT9) Pty Limited	Commercial	627.5	15/11/2012	25/06/2014
Lileah	Tas.	WIN Television TAS Pty Ltd	Commercial	676.5	30/11/2012	15/07/2014
Lileah	Tas.	WIN Television TAS Pty Ltd	Commercial	212.5	30/11/2012	15/07/2014
Maydena	Tas.	WIN Television TAS Pty Ltd	Commercial	620.5	30/11/2012	15/07/2014
Queenstown/ Zeehan	Tas.	WIN Television TAS Pty Ltd	Commercial	676.5	30/11/2012	15/07/2014
Smithton	Tas.	WIN Television TAS Pty Ltd	Commercial	606.5	30/11/2012	15/07/2014
Strahan	Tas.	WIN Television TAS Pty Ltd	Commercial	634.5	30/11/2012	15/07/2014
Talbingo	NSW	Prime Television (Southern) Pty Limited	Commercial	627.5	08/01/2013	07/01/2014
Blackall	Qld	Central Digital Television Pty Limited	Commercial	557.5	21/01/2013	20/01/2014
Cunnamulla	Qld	Central Digital Television Pty Limited	Commercial	557.5	21/01/2013	20/01/2014
Hughenden	Qld	Central Digital Television Pty Limited	Commercial	557.5	21/01/2013	20/01/2014
Winton	Qld	Central Digital Television Pty Limited	Commercial	557.5	21/01/2013	20/01/2014
Barcaldine	Qld	Central Digital Television Pty Limited	Commercial	683.5	21/01/2013	20/01/2014
Jabiru	NT	Central Digital Television Pty Limited	Commercial	599.5	21/01/2013	20/01/2014
Blackall	Qld	Imparja Television Pty Ltd	Commercial	543.5	14/01/2013	13/01/2014
Cunnamulla	Qld	Imparja Television Pty Ltd	Commercial	543.5	14/01/2013	13/01/2014
Hughenden	Qld	Imparja Television Pty Ltd	Commercial	543.5	14/01/2013	13/01/2014
Winton	Qld	Imparja Television Pty Ltd	Commercial	543.5	14/01/2013	13/01/2014

Barcaldine	Qld	Imparja Television Pty Ltd	Commercial	669.5	14/01/2013	13/01/2014
Jabiru	NT	Imparja Television Pty Ltd	Commercial	585.5	14/01/2013	13/01/2014
Blackall	Qld	Regional Television Pty Limited	Commercial	529.5	19/12/2012	08/05/2014
Cunnamulla	Qld	Regional Television Pty Limited	Commercial	529.5	19/12/2012	08/05/2014
Hughenden	Qld	Regional Television Pty Limited	Commercial	529.5	19/12/2012	08/05/2014
Winton	Qld	Regional Television Pty Limited	Commercial	529.5	19/12/2012	08/05/2014
Barcaldine	Qld	Regional Television Pty Limited	Commercial	655.5	19/12/2012	08/05/2014
Lightning Ridge	NSW	Imparja Television Pty Ltd	Commercial	662.5	31/05/2013	13/08/2014
Walgett	NSW	Imparja Television Pty Ltd	Commercial	655.5	31/05/2013	13/08/2014
Lightning Ridge	NSW	Central Digital Television Pty Limited	Commercial	676.5	17/05/2013	21/05/2014
Walgett	NSW	Central Digital Television Pty Limited	Commercial	683.5	17/05/2013	21/05/2014
Lightning Ridge	NSW	Regional Television Pty Limited	Commercial	634.5	24/05/2013	02/06/2014
Walgett	NSW	Regional Television Pty Limited	Commercial	669.5	24/05/2013	02/06/2014
St George	Qld	Regional Television Pty Limited	Commercial	620.5	24/05/2013	02/06/2014
St George	Qld	Central Digital Television Pty Limited	Commercial	648.5	27/05/2013	26/05/2014
Katherine	NT	Central Digital Television Pty Limited	Commercial	599.5	27/05/2013	26/05/2014
Thursday Island	Qld	Central Digital Television Pty Limited	Commercial	557.5	27/05/2013	26/05/2014
Tennant Creek	NT	Central Digital Television Pty Limited	Commercial	557.5	27/05/2013	26/05/2014
Ceduna/Smoky Bay	SA	Central Digital Television Pty Limited	Commercial	571.5	27/05/2013	26/05/2014
Coober Pedy	SA	Central Digital Television Pty Limited	Commercial	557.5	27/05/2013	26/05/2014
Weipa	Qld	Central Digital Television Pty Limited	Commercial	557.5	27/05/2013	26/05/2014
Cooktown	Qld	Central Digital Television Pty Limited	Commercial	557.5	27/05/2013	26/05/2014
Cloncurry	Qld	Central Digital Television Pty Limited	Commercial	557.5	27/05/2013	26/05/2014
Longreach	Qld	Central Digital Television Pty Limited	Commercial	690.5	27/05/2013	26/05/2014
Roxby Downs	SA	Central Digital Television Pty Limited	Commercial	557.5	27/05/2013	26/05/2014
Wilcannia	NSW	Central Digital Television Pty Limited	Commercial	557.5	27/05/2013	26/05/2014
St George	Qld	Imparja Television Pty Ltd	Commercial	634.5	27/05/2013	12/07/2014
Katherine	NT	Imparja Television Pty Ltd	Commercial	585.5	27/05/2013	12/07/2014
Thursday Island	Qld	Imparja Television Pty Ltd	Commercial	543.5	27/05/2013	12/07/2014

Tennant Creek	NT	Imparja Television Pty Ltd	Commercial	543.5	27/05/2013	12/07/2014
Ceduna/Smoky Bay	SA	Imparja Television Pty Ltd	Commercial	543.5	27/05/2013	12/07/2014
Coober Pedy	SA	Imparja Television Pty Ltd	Commercial	543.5	27/05/2013	12/07/2014
Weipa	Qld	Imparja Television Pty Ltd	Commercial	543.5	27/05/2013	12/07/2014
Cooktown	Qld	Imparja Television Pty Ltd	Commercial	543.5	27/05/2013	12/07/2014
Cloncurry	Qld	Imparja Television Pty Ltd	Commercial	543.5	27/05/2013	12/07/2014
Longreach	Qld	Imparja Television Pty Ltd	Commercial	676.5	27/05/2013	12/07/2014
Roxby Downs	SA	Imparja Television Pty Ltd	Commercial	543.5	27/05/2013	12/07/2014
Wilcannia	NSW	Imparja Television Pty Ltd	Commercial	543.5	27/05/2013	12/07/2014
Katherine	Qld	Regional Television Pty Limited	Commercial	571.5	27/05/2013	08/05/2014
Thursday Island	Qld	Regional Television Pty Limited	Commercial	529.5	27/05/2013	08/05/2014
Tennant Creek	NT	Regional Television Pty Limited	Commercial	529.5	27/05/2013	08/05/2014
Ceduna/Smoky Bay	SA	Regional Television Pty Limited	Commercial	529.5	27/05/2013	08/05/2014
Coober Pedy	SA	Regional Television Pty Limited	Commercial	529.5	27/05/2013	08/05/2014
Weipa	Qld	Regional Television Pty Limited	Commercial	529.5	27/05/2013	08/05/2014
Cooktown	Qld	Regional Television Pty Limited	Commercial	529.5	27/05/2013	08/05/2014
Cloncurry	Qld	Regional Television Pty Limited	Commercial	529.5	27/05/2013	08/05/2014
Longreach	Qld	Regional Television Pty Limited	Commercial	662.5	27/05/2013	08/05/2014
Roxby Downs	SA	Regional Television Pty Limited	Commercial	529.5	27/05/2013	08/05/2014
Wilcannia	SA	Regional Television Pty Limited	Commercial	529.5	27/05/2013	08/05/2014

Table 52: Broadcasting service apparatus licence variations, 2012–13

Applicant	Radio/TV	Area	Frequency	Channel	Date of effect	Date of expiry
ARN Communications Pty Ltd	Radio	Brisbane	0.693		11/07/2012	01/09/2012
United Christian Broadcasters Australia Limited	Radio	Portland	105.3		28/11/2012	27/11/2013
Broken Hill Church of Christ Inc.	Radio	Broken Hill	94.9		29/10/2011	28/10/2012
DP World Australia Limited	Radio	Newtown	93.7		05/05/2012	04/05/2013
United Christian Broadcasters Australia Limited	Radio	Derby	101.1		01/07/2012	01/09/2013
Shire of Morawa	TV	Morawa	564.5	33	25/09/2012	31/12/2013
Southern Cross Television (TNT9) Pty Limited	TV	Lileah	184.5	7	28/08/2012	27/08/2013

Townsville Broadcasters Pty Limited	Radio	Townsville			19/10/2012	03/12/2013
Special Broadcasting Service Corporation	TV	Clare	655.5	46	15/12/2010	14/12/2015
Special Broadcasting Service Corporation	TV	Naracoorte	620.5	41	15/12/2010	14/12/2015
Special Broadcasting Service Corporation	TV	Waikerie	655.5	46	15/12/2010	14/12/2015
Special Broadcasting Service Corporation	TV	Kingston SE/Robe	578.5	35	15/12/2010	14/12/2015
Larrakia Investments Pty Ltd	Radio	Darwin	91.5		29/11/2012	28/11/2013
United Christian Broadcasters Australia Limited	Radio	Roebourne	97.7		05/12/2012	04/12/2013
Racing and Wagering Western Australia	Radio	Meekatharra	104.7		29/10/2012	28/10/2013
Bourke Shire Council	Radio	Bourke	99.3		05/03/2013	04/03/2014
United Christian Broadcasters Australia Limited	Radio	Bunbury	1.017		20/12/2012	01/02/2013
Tumbarumba Shire Council	TV	Tumbarumba		59	08/03/2013	07/03/2014
Australian Broadcasting Corporation	Radio	Charters Towers	97.5		08/03/2013	07/03/2014
Super Hill 106 FM Pty Ltd	Radio	Broken Hill	96.5		14/03/2013	03/10/2017
United Christian Broadcasters Australia Limited	Radio	Sale	90.3		21/03/2013	20/03/2014
Quilpie Shire Council	TV	Quilpie			28/03/2013	29/09/2013
Quilpie Shire Council	TV	Quilpie			28/03/2013	29/09/2013
Quilpie Shire Council	TV	Quilpie			28/03/2013	29/09/2013
Consolidated Broadcasting System (WA) Pty Ltd	Radio	Perth	92.9		23/04/2013	22/04/2014
Perth FM Radio Pty Ltd	Radio	Perth	94.5		23/04/2013	22/04/2014
King Island Council	TV	Currie	599.5	38	08/05/2013	20/04/2014
King Island Council	TV	Currie	578.5	35	08/05/2013	20/04/2014
King Island Council	TV	Currie	585.5	36	08/05/2013	20/04/2014
City of Port Lincoln	Radio	Port Lincoln	92.3		26/06/2013	03/03/2014
United Christian Broadcasters Australia Limited	Radio	Warracknabeal	100.5		21/05/2013	01/02/2014

Table 53: Special events, 2012–13

State	Area	Applicant	Frequency	Channel	Date of effect	Date of expiry
Qld	Dadabin	Seventh-Day Adventist Church (South Queensland Conference) Ltd	90.7		18/09/2012	29/09/2012
Qld	Brisbane Cricket Ground (SE)	Sounddec Pty Ltd	62.7		08/11/2012	14/11/2012
Qld	Brisbane Cricket Ground (SE)	Sounddec Pty Ltd	61.2		08/11/2012	14/11/2012
Qld	Hobart Bellerive Oval (SE)	Sounddec Pty Ltd	62.7		13/12/2012	19/12/2012
Qld	Hobart Bellerive Oval (SE)	Sounddec Pty Ltd	61.2		13/12/2012	19/12/2012
Qld	Melbourne Cricket Ground (SE)	Sounddec Pty Ltd	62.7		25/12/2012	30/12/2012

Qld	Melbourne Cricket Ground (SE)	Sounddec Pty Ltd	61.2	25/12/2012	30/12/2012	
Qld	WACA Ground (SE)	Sounddec Pty Ltd	62.7	30/11/2012	05/12/2012	
Qld	WACA Ground (SE)	Sounddec Pty Ltd	61.2	30/11/2012	05/12/2012	
Qld	Sydney Cricket Ground (SE)	Sounddec Pty Ltd	62.7	02/01/2013	08/01/2013	
Qld	Sydney Cricket Ground (SE)	Sounddec Pty Ltd	61.2	02/01/2013	08/01/2013	
Qld	Adelaide Oval (SE)	Sounddec Pty Ltd	62.7	22/11/2012	27/11/2012	
Qld	Adelaide Oval (SE)	Sounddec Pty Ltd	61.2	22/11/2012	27/11/2012	
Qld	Peak Crossing	Ivory's Rock Foundation	94.5	03/09/2012	17/09/2012	
Qld	Peak Crossing	Ivory's Rock Foundation	95.3	03/09/2012	17/09/2012	
Qld	Peak Crossing	Ivory's Rock Foundation	96.1	03/09/2012	17/09/2012	
Qld	Peak Crossing	Ivory's Rock Foundation	96.9	03/09/2012	17/09/2012	
Qld	Peak Crossing	Ivory's Rock Foundation	98.5	03/09/2012	17/09/2012	
Qld	Peak Crossing	Ivory's Rock Foundation	99.5	03/09/2012	17/09/2012	
Qld	Matilda Bay	Western Australian Yachting Foundation	88.9	29/01/2013	01/02/2013	
SA	Murray Bridge (SE)	Bob's Sound Systems Pty Ltd	681.25	50	12/09/2012	17/09/2012
NSW	Nambucca Heads	Drag-ens Hot Rod Club	88.7	23/09/2012	29/09/2012	
NSW	Melbourne Cricket Ground (SE)	Sounddec Pty Ltd	61.2	11/01/2013	13/01/2013	
NSW	Melbourne Cricket Ground (SE)	Sounddec Pty Ltd	62.7	11/01/2013	12/01/2013	
NSW	Adelaide Oval (SE)	Sounddec Pty Ltd	61.2	13/01/2013	14/01/2013	
NSW	Adelaide Oval (SE)	Sounddec Pty Ltd	62.7	13/01/2013	14/01/2013	
NSW	Brisbane Cricket Ground (SE)	Sounddec Pty Ltd	61.2	. 18/01/2013	19/01/2013	
NSW	Brisbane Cricket Ground (SE)	Sounddec Pty Ltd	62.7	18/01/2013	19/01/2013	
NSW	Sydney Cricket Ground (SE)	Sounddec Pty Ltd	61.2	20/01/2013	21/01/2013	
NSW	Sydney Cricket Ground (SE)	Sounddec Pty Ltd	62.7	20/01/2013	21/01/2013	
NSW	Hobart Bellerive Oval (SE)	Sounddec Pty Ltd	61.2	23/01/2013	24/01/2013	
NSW	Hobart Bellerive Oval (SE)	Sounddec Pty Ltd	62.7	23/01/2013	24/01/2013	
NSW	Homebush ANZ Stadium	Sounddec Pty Ltd	61.2	26/01/2013	27/01/2013	
NSW	Homebush ANZ Stadium	Sounddec Pty Ltd	62.7	26/01/2013	27/01/2013	
NSW	Melbourne Cricket Ground (SE)	Sounddec Pty Ltd	61.2	28/01/2013	29/01/2013	
NSW	Melbourne Cricket Ground (SE)	Sounddec Pty Ltd	62.7	28/01/2013	29/01/2013	
NSW	WACA Ground (SE)	Sounddec Pty Ltd	61.2	01/02/2013	04/02/2013	
NSW	WACA Ground (SE)	Sounddec Pty Ltd	62.7	06/02/2013	07/02/2013	
NSW	Canberra	Sounddec Pty Ltd	62.7	06/02/2013	07/02/2013	
NSW	Sydney Cricket Ground (SE)	Sounddec Pty Ltd	61.2	08/02/2013	09/02/2013	
NSW	Sydney Cricket Ground (SE)	Sounddec Pty Ltd	62.7	10/02/2013	11/02/2013	
NSW	Melbourne Cricket Ground (SE)	Sounddec Pty Ltd	62.7	10/02/2013	11/02/2013	

NSW	Brisbane Cricket Ground (SE)	Sounddec Pty Ltd	61.2	9	13/02/2013	14/02/2013
ACT	Canberra	Tim Kuschel	99.5		12/10/2012	14/10/2012
NSW	Mount Panorama Bathurst	Sounddec Pty Ltd	61.2		04/09/2012	07/09/2012
NSW	Mount Panorama Bathurst	Sounddec Pty Ltd	62.7		04/09/2012	07/09/2012
Tas.	Scottsdale	North Eastern Agricultural & Pastoral Society Incorporated	101.9		15/11/2012	18/11/2012
ACT	Gold Coast	Sounddec Pty Ltd	61.2		18/10/2012	21/10/2012
Vic.	Mildura	Mildura Country Music Festival Inc.	93.5		24/09/2012	08/10/2012
Vic.	Mildura	Mildura Country Music Festival Inc.	93.5		18/10/2012	06/11/2012
NSW	Bathurst	JPJ Audio Pty Limited	103.9		01/10/2012	07/10/2012
SA	Mount Gambier	Bushvision	590.25	37	08/11/2012	11/11/2012
Vic.	Phillip Island	Australian Grand Prix	809.5	68	26/10/2012	28/10/2012
NSW	Gold Coast	JPJ Audio Pty Limited	62.7		18/09/2012	21/09/2012
NSW	Tamworth	Agricultural Publishers Pty. Limited	106.1		17/01/2013	27/01/2013
NSW	Hurstville	Islamic Radio and Communication Limited	90.9		13/10/2012	11/11/2012
Tas.	Burnie	Burnie Sports & Events Pty Ltd	92.1		20/10/2012	21/10/2012
WA	Busselton	Murdoch University	94.9		04/01/2013	05/01/2013
WA	Fremantle	Fremantle Sailing Club Inc.	89.1		10/10/2012	11/10/2012
NSW	Hurstville	Bankstown and Surrounding Areas Community Radio Inc.	90.9		15/11/2012	14/12/2012
Vic.	Elmore	Seventh-day Adventist Church (Victorian Conference) Limited	98.1		27/03/2013	01/04/2013
SA	Adelaide	Staging Connections Pty Limited	94.3		22/11/2012	25/11/2012
Qld	Cairns North	Australian Broadcasting Corporation	105.1		04/11/2012	04/11/2012
ACT	Canberra	I & J & R Ozerskis	99.5		03/01/2013	06/01/2013
NSW	Sydney	Off-Site Connections	95.9		08/12/2012	08/12/2012
ACT	Elizabeth SA	Mark Oliphant College	94.3		14/11/2012	14/11/2012
Vic.	Melbourne	Tennis Australia Limited	99.7		11/01/2013	31/01/2013
SA	Adelaide	South Australian Motorsport Board Pty Ltd	94.3		28/02/2013	02/03/2013
NSW	Sydney	2CR China Radio Network Pty Ltd	91.6		30/01/2013	18/02/2013
NSW	Sydney	Norwest Productions Pty Ltd	89.3		20/01/2013	29/01/2013
SA	Adelaide	Uniting Church in Australia	97.9		23/03/2013	24/03/2013
ACT	Canberra	I & J & R Ozerskis	99.5		17/02/2013	24/02/2013
NSW	Eastern Creek International Raceway (SE)	Australian Racing Drivers Club Ltd	91.5		09/03/2013	10/03/2013
Vic.	Melbourne	Right Angle Events	99.7		20/02/2013	25/02/2013

NSW	Sydney	Australian Film Television & Radio School	107.9	21/03/2013	03/04/2013
Qld	Bray Park	Boyne Tannum Hook Up Assoc. Inc.	103.9	02/05/2013	05/05/2013
Vic.	Melbourne—Albert Park Raceway (SE)	Australian Grand Prix	99.7	14/03/2012	17/03/2013
ACT	Canberra (SE)	Tim Kuschel	99.5	22/03/2013	23/03/2013
ACT	Tuggeranong	My Local Radio Station Pty Limited	93.5	01/07/2013	11/08/2013
ACT	Canberra	My Local Radio Station Pty Limited	99.5	01/07/2013	11/08/2013
WA	Busselton	3 Monkeys Audiovisual	94.9	10/05/2013	11/05/2013
Vic.	Bendigo	Watchtower Bible & Tract Society of Australia	94.7	12/09/2013	15/09/2013
Vic.	Melbourne	Watchtower Bible & Tract Society of Australia	89.5	05/09/2013	08/09/2013
Vic.	Melbourne	Watchtower Bible & Tract Society of Australia	96.7	13/09/2013	29/09/2013
Qld	Brisbane	Watchtower Bible & Tract Society of Australia	91.5	08/08/2013	18/08/2013
Qld	Townsville	Watchtower Bible & Tract Society of Australia	107.9	08/08/2013	11/08/2013
NSW	Tamworth	Watchtower Bible & Tract Society of Australia	104.5	18/08/2013	18/08/2013
NSW	Sydney	Watchtower Bible & Tract Society of Australia	90.3	09/08/2013	25/08/2013
NSW	Sydney	Watchtower Bible & Tract Society of Australia	90.3	06/09/2013	27/09/2013
NSW	Sydney	Watchtower Bible & Tract Society of Australia	89.5	01/08/2013	04/08/2013
ACT	Canberra	Watchtower Bible & Tract Society of Australia	99.5	22/08/2013	25/08/2013
SA	Adelaide	Watchtower Bible & Tract Society of Australia	94.3	19/09/2013	22/09/2013
Tas.	Hobart	Watchtower Bible & Tract Society of Australia	104.1	19/09/2013	22/09/2013
Qld	Strathpine (SE)	Moreton Bay Regional Council	95.5	24/05/2013	24/05/2013
Vic.	Braybrook	Michael Evans	96.9	17/06/2013	19/06/2013
Vic.	Braybrook	Michael Evans	89.3	17/06/2013	19/06/2013
NSW	Hurstville	Islamic Radio and Communication Limited	107.9	07/08/2013	10/08/2013
WA	Perth	Watchtower Bible & Tract Society of Australia	106.5	03/10/2013	06/10/2013
Qld	Townsville	Jands Production Services	96.3	03/07/2013	08/07/2013
NSW	Sydney Olympic Park (SE)	Jands Production Services		02/12/2013	07/12/2013
Qld	Surfers Paradise (SE)	Jands Production Services	101.7	22/10/2013	27/10/2013
Vic.	Sandown	Mccall Communications Pty Ltd	99.7	10/09/2013	16/09/2013
Vic.	Camperlifield	Australian Muslim Media Inc.	99.7	06/07/2013	11/08/2013
NSW	St Albans	Shahzada 400 Incorporated	89.5	17/08/2013	01/09/2013

Vic.	Melbourne	Melbourne City Council (City Of Melbourne )		28/12/2013	02/01/2014
Qld	Dakabin (SE)	Seventh-Day Adventist Church (South Queensland Conference) Ltd	90.7	18/09/2013	29/09/2013
NSW	Sydney	Sydney Opera House Trust	91.6	21/05/2013	11/06/2013
Qld	Maroochydore (SE)	Sunshine Coast Broadcasters Pty Ltd	98.5	20/06/2013	22/06/2013
NSW	Hurstville	Bankstown and Surrounding Areas Community Radio Inc.	91.6	10/07/2013	08/08/2013
WA	Dowerin	Palis Event Hire & Sales	103.9	27/08/2013	29/08/2013
SA	Baroota (SE)	Victor John Knauerhase	94.3	25/07/2013	28/07/2013
WA	Newdegate	Palis Event Hire & Sales	93.1	04/09/2013	05/09/2013
WA	Perth	Western Australian Yachting Foundation		28/01/2014	31/01/2014
Qld	Brisbane	SCA Digital Pty Ltd	95.3	01/09/2013	28/09/2013
WA	Dowerin	Palis Event Hire & Sales	103.9	27/08/2013	29/08/2013
WA	Newdegate	Palis Event Hire & Sales	93.1	04/09/2013	05/09/2013
WA	Bentley (SE)	3 Monkeys Audiovisual	106.5	03/08/2013	04/08/2013

# Appendix 5:

## Programs and content

Table 54: Programs granted children's or preschool classification, 2012–13

Program title	Style	Type	Origin	Applicant
<b>Children's—C</b>				
<i>History Hunters</i> (series 1, episodes 1–26)	Live action/ Animation	Information—Other	Australia	Beyond Productions Pty Ltd
<i>It's Academic</i> (series 17, episodes IAC17/001–IAC17/065)	Live action	Light entertainment— Competition/Game show	Australia	Seven Network (Operations) Limited
<i>It's Academic</i> (series 18, episodes IAC18/001–IAC18/065)	Live action	Light entertainment— Competition/Game show	Australia	Seven Network (Operations) Limited
<i>Kitchen Whiz</i> (series 5, episodes KW05/01–KW05/60)	Live action	Light entertainment— Competition/Game show	Australia	Ambience Entertainment Pty Ltd
<i>Match It</i> (series 2, episodes 1–65)	Live action	Light entertainment— Competition/Game show	Australia	Match It Media Pty Ltd
<i>Once Upon a Dream</i> (series 1, episodes 1–6)	Live action	Information—Other	Australia	Network TEN Pty Ltd
<i>Pyramid</i> (series 6, episodes 1–65)	Live action	Light entertainment— Competition/Game show	Australia	Ambience Entertainment Pty Ltd
<i>Pyramid</i> (series 7, episodes 1–65)	Live action	Light entertainment— Competition/Game show	Australia	Ambience Entertainment Pty Ltd
<i>Totally Wild</i> (series 21, episodes TW21/001–TW21/180)	Live action	Light entertainment— Magazine	Australia	Network TEN Pty Ltd
<b>Provisional—PRC</b>				
<i>Animatter</i> (series 1, episodes 1–26)	Live action/ Animation	Drama—Series	Australia	Ambience Entertainment Pty Ltd
<i>Captain Flinn and the Pirate Dinosaurs</i> (series 1, episodes 1–52)	Animation	Drama—Series	Australia	SLR Productions Pty Ltd
<i>Get Ace</i> (series 1, episodes 1–26)	Animation	Drama—Series	Australia	Galaxy Pop Pty Ltd
<i>Pirate Express</i> (series 1, episodes 1–14)	Animation	Drama—Series	Australia	Sticky Pictures Pty Ltd
<i>Skinner Boys: Guardians of the Lost Secrets</i> (series 1, episodes 1–26)	Animation	Drama—Series	Australia	SLR Productions Pty Ltd
<i>Skyrunners</i> (series 1, episodes 1–26)	Animation	Drama—Series	Australia	Beyond Screen Productions Pty Ltd
<i>The Day My Butt Went Psycho</i> (series 1, episodes 1–52)	Animation	Drama—Series	Australia	Studio Moshi Productions Pty Ltd
<i>The New Adventures of Black Beauty</i> (series 5, episodes 1–26)	Live action	Drama—Series	Australia	Avoca Media Holdings
<b>Preschool—P</b>				
<i>Magical Tales</i> (series 4, episodes 1–30)	Live action	Drama—Series	Australia	Ambience Entertainment Pty Ltd

<i>Surprises</i> (series 1, episodes 1–30)	Live action	Light entertainment—Variety	Australia	Ambience Entertainment Pty Ltd
<i>Surprises</i> (series 2, episodes 1–45)	Live action	Light entertainment—Variety	Australia	Ambience Entertainment Pty Ltd
<i>Toybox</i> (series 4, episodes 246–290)	Live action/Animation/Puppetry	Light entertainment—Variety	Australia	Beyond Screen Productions Pty Ltd
<i>Wurrawhy</i> (series 3, episodes WURP3/001–WURP3/180)	Live action	Light entertainment—Variety	Australia	Network TEN Pty Ltd
<i>Yamba's Playtime</i> (series 3, episodes 1–10)	Live action	Light entertainment—Variety	Australia	Imparja Television Pty Ltd
<b>Provisional—PRP</b>				
<i>Lah-Lah's Adventures</i> (series 1, episodes 1–13)	Live action/Animation	Drama—Series	Australia	Stella Projects
<i>Pip Squeaks</i> (series 1, episodes 1–45)	Live action/Puppetry	Drama—Series	Australia	Beyond Screen Productions Pty Ltd
<b>Australian children's drama—CD</b>				
<i>Dennis and Gnasher</i> (series 2, episodes 27–52)	Animation	Drama—Series	Australia	Sticky Pictures Pty Ltd
<i>Get Ace</i> (series 1, episodes 1–26)	Animation	Drama—Series	Australia	Galaxy Pop Pty Ltd
<i>In Your Dreams</i> (series 1, episodes 1–26)	Live action	Drama—Series	Australia	Southern Star Entertainment Pty Ltd
<i>Sam Fox: Extreme Adventures</i> (series 1, episodes 1–26)	Live action	Drama—Series	Australia	SLR Productions Pty Ltd
<i>Shezow</i> (series 1, episodes 109A–113B)	Animation	Drama—Series	Australia	Shezow Productions Pty Ltd
<i>Shezow</i> (series 1, episodes 114A–116B)	Animation	Drama—Series	Australia	Shezow Productions Pty Ltd
<i>Shezow</i> (series 1, episodes 117A–126B)	Animation	Drama—Series	Australia	Shezow Productions Pty Ltd
<i>Skinner Boys: Guardians of the Lost Secrets</i> (series 1, episodes 1–26)	Animation	Drama—Series	Australia	SLR Productions Pty Ltd
<i>Teenage Fairy Tale Dropouts</i> (series 1, episodes 1–52)	Animation	Drama—Series	Australia	SLR Productions Pty Ltd
<i>The Woodlies</i> (special episode)	Animation	Drama—Other	Australia	The Woodlies Pty Ltd
<i>Vic The Viking</i> (series 1, episodes 1–52)	Animation	Drama—Series	Australia	ASE Studios Pty Ltd
<i>Vic The Viking</i> (series 1, episodes 53–78)	Animation	Drama—Series	Australia	ASE Studios Pty Ltd

Table 55: Children's television consultants, 2012–13

Name	Expertise
Donna Andrews	Child development/Production
Dina Browne	Production
Robert Greenberg	Production/Script writer
Stephen Measday	Production/Script writer
Fiona Mitchell	Child development
Rita Princi	Child development
Gina Roncoli	Production/Script writer

# Appendix 6:

## Broadcasting investigations outcomes

Table 56: ACMA investigations, 1 July 2012 to 30 June 2013

Commercial television				
Breach findings: 44				
Investigation number	Station	Program or issue	Substance of complaint	Outcome
2712 <sup>^</sup>	SAS Channel Seven Adelaide Pty Ltd SA	<i>Today Tonight</i>	Inaccuracies, unfair representation of viewpoint, and unfair identification of a business.	Breach—accuracy. No breach—correct significant errors of fact. No breach—accuracy and represent viewpoints fairly. No breach—unfairly identify a single business when commenting on the behaviour of a group of businesses. No finding—accuracy.
2734	QTQ Queensland Television Ltd Qld	<i>A Current Affair</i>	Segment contained inaccuracies and used covert recordings.	Breach—accuracy. No breach—commission of an offence*.
2741 <sup>^</sup>	BTQ Channel Seven Brisbane Pty Ltd Qld	<i>Sunday Night</i>	Program was factually inaccurate and racially offensive.	Breach—dislike, contempt or ridicule on the grounds of ethnic origin. Breach—accuracy. No breach—accuracy.
2742	HSV Channel Seven Melbourne Pty Ltd Vic.	<i>Today Tonight</i>	Segment contained factual inaccuracies and presented material liable to create panic regarding the Muslim community.	Breach—accuracy. No breach—accuracy. No breach—create public panic. No breach—gratuitous emphasis on religion.
2762	TEN Network TEN (Sydney) Pty Ltd NSW	<i>6.30 with George Negus</i>	Inaccurate claim about UN estimate of civilian deaths in Sri Lanka conflict and complaints-handling.	Breach—accuracy. Breach—complaints-handling.
2789	NBN NBN Ltd	<i>NBN News</i>	Inaccurate and biased news item about Urunga Bypass.	Breach—accuracy. No breach—impartiality.
2800	TCN TCN Channel Nine Pty Ltd NSW	<i>A Current Affair</i>	No factual foundation for allegations about entrepreneurs, breach of privacy and complaints-handling.	Breach—accuracy. Breach—privacy. Breach—complaints-handling. No breach—accuracy. No breach—accuracy in news/current affairs promotion.

2803*	TVW Channel Seven Perth Pty Ltd	<i>Sunday Night</i>	Factual material not presented accurately and viewpoints not presented fairly.	Breach—accuracy and representation of viewpoints. No breach—accuracy and representation of viewpoints.
2813	NWS Channel 9 South Australia Pty Ltd SA	<i>Channel Nine News</i>	Invasion of privacy in item about home birth.	Breach—privacy. Breach—special care using material relating to a child's privacy.
2831	ITQ Regional Television Pty Ltd Qld	2011 Preschool program quota	Children's Television Standards.	Breach—did not broadcast at least 130 hours of P material. Breach—broadcast material other than P material in a P period. Breach—did not broadcast at least 30 minutes of P material every weekday.
2832	QQQ Regional Television Pty Ltd Qld	2011 Preschool program quota	Children's Television Standards.	Breach—did not broadcast at least 130 hours of P material. Breach—broadcast material other than P material in a P period. Breach—did not broadcast at least 30 minutes of P material every weekday.
2833	VAN Eastern Australia Satellite Broadcasters Pty Ltd	2011 Preschool program quota	Children's Television Standards.	Breach—did not broadcast at least 130 hours of P material. Breach—broadcast material other than P material in a P period. Breach—did not broadcast at least 30 minutes of P material every weekday.
2834	STQ Channel Seven Queensland Pty Ltd Qld	2011 Preschool program quota	Children's Television Standards.	Breach—did not broadcast at least 130 hours of P material. Breach—broadcast material other than P material in a P period. Breach—did not broadcast at least 30 minutes of P material every weekday.
2836	RDS WIN Television SA Pty Ltd SA	2012 first-release Australian drama score	Australian Content Standard.	Breach—did not broadcast at least 250 points of Australian first-release drama.
2883	WIN WIN Television NSW Pty Ltd NSW	<i>WIN News</i>	Inaccurate information about measles vaccination.	Breach—accuracy. Breach—correction of significant errors of fact. No breach—creates public panic.
2887	BCV Southern Cross Communication Pty Ltd Vic.	<i>Puzzle Play</i>	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast P material on a weekday.
2890	CTC Australian Capital Television Pty Ltd ACT	<i>Puzzle Play</i>	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast P material on a weekday.
2891	DTD Darwin Digital Television Pty Ltd NT	<i>Puzzle Play</i>	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast P material on a weekday.
2892	GLV Southern Cross Communications Pty Ltd Vic.	<i>Puzzle Play</i>	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast P material on a weekday.

2893	NRN Northern Rivers Television Pty Ltd NSW	Puzzle Play	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast P material on a weekday.
2894	SCN Broken Hill Television Pty Ltd NSW	Puzzle Play	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast P material on a weekday.
2895	SGS Spencer Gulf Telecasters Pty Ltd SA	Puzzle Play	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast P material on a weekday.
2896	TDT Tasmanian Digital Television Pty Ltd Tas.	Puzzle Play	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast P material on a weekday.
2897	TNQ Regional Television Pty Ltd Qld	Puzzle Play	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast P material on a weekday.
2898	NRN Northern Rivers Television Pty Ltd NSW	Modern Family	Missing captions.	Breach—captioning*.
2914	CBN Prime Television (Southern) Pty Ltd NSW	2012 high definition television (HDTV) quota	Licence condition to meet HDTV quota during HDTV period.	Breach—did not broadcast minimum HDTV quota during relevant period.
3003	ADS Network TEN (Adelaide) Pty Ltd SA	Scope <i>Totally Wild</i> H2O Just Add Water	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast C material on a weekday. Breach—broadcast non-C material in a C period.
3004	TVQ Network TEN (Brisbane) Pty Ltd Qld	Scope <i>Totally Wild</i> H2O Just Add Water	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast C material on a weekday. Breach—broadcast non-C material in a C period.
3005	ATV Network TEN (Melbourne) Pty Ltd ATV	Scope <i>Totally Wild</i> H2O Just Add Water	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast C material on a weekday. Breach—broadcast non-C material in a C period.
3006	NEW Network TEN (Perth) Pty Ltd WA	Scope <i>Totally Wild</i> H2O Just Add Water	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast C material on a weekday. Breach—broadcast non-C material in a C period.
3007	TEN Network TEN (Sydney) Pty Ltd NSW	Scope <i>Totally Wild</i> H2O Just Add Water	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast C material on a weekday. Breach—broadcast non-C material in a C period.
3008	BCV Southern Cross Communication Pty Ltd Vic.	Scope <i>Totally Wild</i> H2O Just Add Water	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast C material on a weekday. Breach—broadcast non-C material in a C period.

3009	CDT Central Digital Television Pty Ltd	Scope <i>Totally Wild</i> <i>H2O Just Add Water</i>	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast C material on a weekday. Breach—broadcast non-C material in a C period.
3010	CTC Australian Capital Television Pty Ltd ACT	Scope <i>Totally Wild</i> <i>H2O Just Add Water</i>	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast C material on a weekday. Breach—broadcast non-C material in a C period.
3011	DTD Darwin Digital Television Pty Ltd NT	Scope <i>Totally Wild</i> <i>H2O Just Add Water</i>	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast C material on a weekday. Breach—broadcast non-C material in a C period.
3012	GLV Southern Cross Communications Pty Ltd Vic.	Scope <i>Totally Wild</i> <i>H2O Just Add Water</i>	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast C material on a weekday. Breach—broadcast non-C material in a C period.
3013	IDQ Central Digital Television Pty Ltd Qld	Scope <i>Totally Wild</i> <i>H2O Just Add Water</i>	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast C material on a weekday. Breach—broadcast non-C material in a C period.
3014	NRN Northern Rivers Television Pty Ltd NSW	Scope <i>Totally Wild</i> <i>H2O Just Add Water</i>	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast C material on a weekday. Breach—broadcast non-C material in a C period.
3015	SCN Broken Hill Television Pty Ltd NSW	Scope <i>Totally Wild</i> <i>H2O Just Add Water</i>	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast C material on a weekday. Breach—broadcast non-C material in a C period.
3016	SGS Spencer Gulf Telecasters Pty Ltd SA	Scope <i>Totally Wild</i> <i>H2O Just Add Water</i>	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast C material on a weekday. Breach—broadcast non-C material in a C period.
3017	TDT Tasmanian Digital Television Pty Ltd Tas.	Scope <i>Totally Wild</i> <i>H2O Just Add Water</i>	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast C material on a weekday. Breach—broadcast non-C material in a C period.
3018	TNQ Regional Television Pty Ltd Qld	Scope <i>Totally Wild</i> <i>H2O Just Add Water</i>	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast C material on a weekday. Breach—broadcast non-C material in a C period.
3019	VAS (10) Eastern Australia Satellite Broadcasters Pty Ltd	Scope <i>Totally Wild</i> <i>H2O Just Add Water</i>	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast C material on a weekday. Breach—broadcast non-C material in a C period.

3020	VAN (10) Eastern Australia Satellite Broadcasters Pty Ltd	Scope <i>Totally Wild</i> <i>H2O Just Add Water</i>	Children's Television Standards.	Breach—broadcast for a fourth time in five years. Breach—not broadcast C material on a weekday. Breach—broadcast non-C material in a C period.
<b>Non-breach findings: 56</b>				
2794	CBN Prime Television (Southern) Pty Ltd NSW	<i>Today Tonight</i>	Blanket shaming of disability pensioners.	No breach—dislike, contempt or ridicule on the grounds of disability.
2802	ATN Channel Seven Sydney Pty Ltd NSW	<i>Seven News</i>	Inaccuracies and bias in report on a casino.	No breach—accuracy and representation of viewpoints. No breach—correct significant errors. No breach—fairness and impartiality. No breach—accuracy in news promotion.
2819	GTV General Television Corporation Pty Ltd Vic.	<i>The Celebrity Apprentice Australia</i>	Program an extended advertisement for Yellow Brick Road.	No breach—distinction between paid material and other program material.
2827	NEN (Prime) Prime Television (Northern) Pty Ltd NSW	Erectile Dysfunction (advertisement)	Inappropriate placement of commercial within a G-classified program.	No breach—commercials in G programs between 7.00 pm and 8.30 pm. No breach—compliance with classifications (PG Themes). No breach—classification and placement of commercials.
2835	SDS WIN Television SA Pty Ltd SA	2012 first-release Australian drama score	Australian Content Standard.	No breach—first-release Australian drama score.
2840	SSW (Prime) Golden West Network Pty Ltd (Prime) WA	Fantasy Lingerie (advertisement)	Inappropriate depiction of adult themes in M time zone material.	No breach—compliance with classifications (M Themes). No breach—classification and placement of commercials.
2845	TCN (Nine) Nine Network Australia Pty Ltd NSW	<i>Big Brother</i> (program promotion)	Promotion contained a sexual gesture that was inappropriate during a PG- classified program.	No breach—classification of other material (G sex and nudity). No breach—restrictions in PG programs in certain time periods (sexual behaviour other than of a very restrained kind).
2849	HSV Channel Seven Melbourne Pty Ltd Vic.	<i>Seven News</i>	Item about a product to combat obesity was an 'advertonal', unfair to other products and inaccurate.	No breach—distinguish paid material from other program material. No breach—accuracy. No breach—impartiality and fairness.
2850	TEN Network TEN (Sydney) Pty Ltd NSW	<i>Fear Factor</i>	Participants made to participate in humiliating acts.	No breach—present participants in reality television program in a highly demeaning or highly exploitative matter.
2852	TVQ Network TEN (Brisbane) Pty Ltd Qld	<i>Ten News at Five</i>	Inaccurate information about electric vehicles. Complaints- handling.	No breach—accuracy. No breach—complaints-handling.

2854	QTQ Queensland Television Ltd Qld	<i>A Current Affair</i>	Provocation of antagonistic attitude towards the elderly in segment about elderly drivers.	No breach—dislike, contempt or ridicule on the grounds of disability.
2868	ATV Network TEN (Melbourne) Pty Ltd Vic.	<i>The Project</i>	Ridicule of Christian faith in discussion of UFOs.	No breach—dislike, contempt or ridicule on the grounds of religion.
2871	ATN Channel Seven Sydney Pty Ltd NSW	<i>Today Tonight</i>	Insensitivity towards widow and invasion of privacy in segment about influenza death.	No breach—appropriate regard. No breach—privacy. No breach—exercise sensitivity.
2873	ATV Network TEN (Melbourne) Pty Ltd Vic.	<i>The Project</i>	Unfair and inaccurate comment about the One Nation Party.	No breach—fair representation of viewpoints. No breach—fairness and impartiality in news.
2875	NBN (Nine) Nine Network Australia Pty Ltd NSW	<i>Big Brother</i>	PG-classified program contained inappropriate depictions of sexual abuse, bullying and harassment.	No breach—present participants in reality television program in a highly demeaning or highly exploitative manner. No breach—classification of other material (PG themes).
2876	GTV General Television Corporation Pty Ltd Vic.	<i>The Block</i>	Duty of care not exercised towards participants.	No breach—present participants in reality television program in a highly demeaning or highly exploitative manner.
2879	CTC (One HD) Australian Capital Television Pty Ltd ACT	<i>Extreme Fishing</i>	Depictions of animal cruelty.	No breach—classification of other material (PG violence, themes).
2880	HSV Channel Seven Melbourne Pty Ltd Vic.	<i>Seven News</i>	Inaccurate reference to Ned Kelly's 'descendants'.	No breach—accuracy in news/ current affairs promotion.
2881	NRN Northern Rivers Television Pty Ltd NSW	<i>2012 Melbourne Comedy Festival</i>	Hate speech against Christians.	No breach—dislike, contempt or ridicule on the grounds of religion.
2885	TVQ Network TEN (Brisbane) Pty Ltd Qld	<i>The Siege</i>	Broadcast of movie offensive to Muslims.	No breach—cultural sensitivities. No breach—dislike, contempt or ridicule on the grounds of national origin.
2886	HSV (7TWO) Channel Seven Melbourne Pty Ltd Vic.	<i>Globe Trekker</i>	Program contained provocative and sexual content that was inappropriate for a PG-classified program.	No breach—classification of other material (PG sex and nudity).
2908	TCN TCN Channel Nine Pty Ltd NSW	<i>London Olympics 2012</i>	Disparaging commentary about the British Olympic team.	No breach—dislike, contempt or ridicule on the grounds of national origin.

2919	HSV Channel Seven Melbourne Pty Ltd Vic.	<i>Weekend Sunrise</i>	Inaccurate statements about weight loss product; on-air correction was not adequate.	No breach—accuracy. No breach—correction of significant errors of fact.
2920	TVT (WIN) WIN Television TAS Pty Ltd Tas.	<i>Days of Our Lives</i>	Inappropriate depiction of verbal abuse, domestic violence and murder in PG-classified program.	No breach—classification of other material (PG violence, language, themes).
2924	SAS Channel Seven Adelaide Pty Ltd SA	<i>Today Tonight</i>	Error of fact.	No breach—accuracy.
2925	ATV Network TEN (Melbourne) Pty Ltd Vic.	<i>Couch Time</i>	Anti-Christian emblem (inverted cross) worn by host offensive to Christian faith.	No breach—dislike, contempt or ridicule on the grounds of religion.
2930	HSV Channel Seven Melbourne Pty Ltd Vic.	<i>Channel Seven News</i>	Sensationalism, religious vilification and lack of fairness in item about ethno botanical plant nursery.	No breach—dislike, contempt or ridicule on the grounds of religion. No breach—create public panic. No breach—fairness and impartiality in news.
2932	TVQ (ONE) Network Ten Brisbane Pty Ltd Qld	<i>House of Lies</i> (program promotion)	Depictions of sexual activity inappropriate for M-classified program promotion during a sporting event.	No breach—restrictions in G or PG programs at 8.30 pm (PG sex and nudity). No breach—promotions for programs classified MA or AV.
2933	TCN TCN Channel Nine Pty Ltd NSW	<i>Cricket—Australia vs South Africa</i>	Promotion of beer brand without disclosure.	No breach—promotional material.
2940	GTV General Television Corporation Pty Ltd Vic.	<i>60 Minutes</i>	Segment on Syria contained inaccuracies and was not presented with care; complaints-handling.	No breach—exercise care in selection of material. No breach—accuracy. No breach—correction of significant errors. No breach—complaints-handling.
2941	HSV (7Mate) Channel Seven Melbourne Pty Ltd Vic.	<i>World's Wildest Police Videos</i>	Depictions of violence inappropriate for M-classified program.	No breach—classification of other material (M violence).
2942	NBN (Nine) Nine Network Australia Pty Ltd NSW	<i>A Current Affair</i>	Inappropriate depictions of nudity and sexual activity not suitable for broadcast during a current affairs program.	No breach—classification of other material—exemptions for news, current affairs and broadcasts of sporting events.
2943	TCN TCN Channel Nine Pty Ltd NSW	<i>Channel Nine News</i>	Use of material recorded with aid of listening device at 'Mad Monday' celebration.	No breach—commission of an offence*.

2944	TVW Channel Seven Perth Pty Ltd WA	<i>Today Tonight</i>	False and misleading information, and unfair generalisations, in segment about pharmacy survey.	No breach—accuracy. No breach—unfair identification.
2946	HSV Channel Seven Melbourne Pty Ltd Vic.	<i>Seven News</i>	Distress to viewers and relatives in item about train accident fatality; complaints-handling.	No breach—appropriate regard to feelings of relatives and viewers.
2948	QTQ Queensland Television Ltd Qld	<i>A Current Affair</i>	Inaccuracies and unfair association in segment 'Stealing from seniors'.	No breach—accuracy. No breach—unfair identification of a person or business.
2951	STQ (Seven) Channel Seven Queensland Pty Ltd Qld	<i>Home and Away</i>	Several storylines contained inappropriate drug references inappropriate for a PG-classified program.	No breach—classification of other material (PG drugs).
2957	STQ Channel Seven Queensland Pty Ltd Qld	<i>Seven Local News</i>	Distorted and inaccurate item about foreshore protest.	No breach—accuracy. No breach—impartiality.
2958	HSV Channel Seven Melbourne Pty Ltd Vic.	<i>Weekend Sunrise</i>	Misleading claims about climate change and polar bears.	No breach—accuracy.
2963	STQ Channel Seven Queensland Pty Ltd Qld	<i>Seven Local News</i>	Inaccurate date given for a falling power pole incident. Complaints-handling.	No breach—accuracy. No breach—impartiality.
2965	AMV (7Mate) Prime Television (Victoria) Pty Ltd Vic.	<i>Blokesworld</i>	Program was sexist and degrading towards women and contained depictions of sex and nudity inappropriate for MA classification.	No breach—dislike, contempt or ridicule on the grounds of gender. No breach—classification of other material (MA sex and nudity).
2981	GTV General Television Corporation Pty Ltd Vic.	<i>A Current Affair</i>	Untrue statement in segment about a business dispute.	No breach—accuracy.
2982	NBN NBN Ltd NSW	<i>60 Minutes</i>	Quality of captions.	No breach—captioning*.
2986	SAS Channel Seven Adelaide Pty Ltd SA	<i>Today Tonight</i>	Simulation of events, transmitting messages below or near the threshold of normal awareness, accuracy, and privacy.	No breach—simulation of events. No breach—transmitting messages below or near the threshold of normal awareness. No breach—accuracy. No breach—privacy. No breach—accuracy in news/current affairs promotion.

2987	HSV Channel Seven Melbourne Pty Ltd Vic.	Seven News	Racial vilification of Korean people.	No breach—dislike, contempt or ridicule on the grounds of national origin.
2989	ATV (ELEVEN) Network TEN (Melbourne) Pty Ltd Vic.	<i>Snog Marry Avoid?</i> (program promotion)	Promotion contained inappropriate coarse language.	No breach—classification of other material (PG language). No breach—restrictions in PG programs in certain time periods.
2993	SAS Channel Seven Adelaide Pty Ltd SA	<i>Today Tonight</i>	Inaccuracies in segment about mobility scooter safety.	No breach—accuracy.
2994	CBN Prime Television (Southern) Pty Ltd NSW	<i>Prime Local News</i>	Invasion of privacy.	No breach—privacy.
2995	STW (GEM) Swan Television & Radio Broadcasters Pty Ltd WA	<i>Underbelly Squizzy</i> (program promotion)	Promotion glorified and promoted violence and was inappropriate for PG time zone.	No breach—classification of other material (PG violence, themes). No breach—restrictions in PG programs in certain time periods.
3022	ATV Network TEN (Melbourne) Pty Ltd Vic.	<i>The Project</i>	Factual inaccuracy in segment 'Gun Comeback'.	No breach—accuracy.
3023	BTQ Channel Seven Brisbane Pty Ltd Qld	<i>Sunrise</i>	Offensive and inaccurate comments about public breastfeeding.	No breach—dislike, contempt or ridicule on the grounds of gender. No breach—accuracy.
3026	TEN Network TEN (Sydney) Pty Ltd NSW	<i>The Project</i>	Information reported on was incorrect.	No breach—accuracy.
3044	ATV Network TEN (Melbourne) Pty Ltd Vic.	Gumtree Advertisement	Volume of commercial excessively loud.	No breach—commercials must not be excessively noisy or strident.
3048	GTV (Nine) General Television Corporation Pty Ltd Vic.	<i>60 Minutes</i> (program promotion)/ <i>Nine News</i> (program promotion)	Promotions exceeded mild impact and were not suitable for PG time zone.	No breach—classification of other material (PG violence, themes). No breach—restrictions in PG programs in certain time periods.
3051	TDT (Ten) Tasmanian Digital Television Pty Ltd Tas.	<i>The Biggest Loser: The Next Generation</i> (program promotion)	Promotion contained demeaning, exploitative, threatening and offensive language and behaviour.	No breach—proscribed material. No breach—classification of other material (PG language). No breach—restrictions in PG programs in certain time periods.
3056	SDW (Ten) West Digital Television Pty Ltd WA	<i>NCIS</i> (program promotion)	Promotion exceeded mild impact and was not suitable for PG time zone.	No breach—classification of other material (PG violence, themes). No breach—restrictions in PG programs in certain time periods.

<sup>^</sup>Subject to review proceedings

<sup>\*</sup>Investigation against a licence condition, standard or provision of the BSA.

Commercial radio				
Breach findings: 6				
Investigation number	Station	Program or issue	Substance of complaint	Outcome
2773	2GB Harbour Radio Pty Ltd NSW	<i>The Ray Hadley Morning Show</i>	Personal details, including name and address, were broadcast on air. Complaints-handling.	Breach—privacy. Breach—complaints-handling.
2776	2DAY Today FM Sydney Pty Ltd NSW	<i>Kyle &amp; Jackie O Breakfast Show</i>	Complaints-handling.	Breach—complaints-handling.
2848	5AA Festival City Broadcasters Pty Ltd SA	<i>The Bob Francis Show</i>	Grotesque and inappropriate remarks about boat people. Abusive tirade against journalist who reported the remarks.	Breach—incitement of hatred, serious contempt or severe ridicule on grounds of ethnicity/nationality/race/gender. Breach—offending generally accepted standards of decency. Breach—complaints-handling.
2864	5DN Southern State Broadcasters Pty Ltd SA	<i>Down Down by Status Quo</i>	Distinguishing advertisements from other program content.	Breach—advertising standard*. Breach—advertising presented as news or other program material.
2888	2GB Harbour Radio Pty Ltd NSW	<i>The Ray Hadley Morning Show</i>	Inaccuracy in material about Federal Budget cuts. Failure to correct inaccuracy.	Breach—accuracy. Breach—substantial errors of fact are corrected. No breach—accuracy.
2926	2GB Harbour Radio Pty Ltd NSW	<i>The Alan Jones Breakfast Show</i>	Ridicule of women in leadership roles due to their gender. Complaints-handling.	Breach—complaints-handling. No breach—incitement of ridicule on grounds of gender.
Non-breach findings: 17				
2781	3AW Radio 3AW Melbourne Pty Ltd Vic.	<i>Drive with Derryn Hinch</i>	Inaccuracies in discussion of television program 'Sri Lanka's Killing Fields'.	No breach—accuracy.
2785	3FOX Austereo Pty Ltd Vic.	<i>Hot 30 Countdown</i>	Comments were offensive and degraded women.	No breach—hatred, contempt, ridicule because of gender. No breach—generally accepted standards of decency.
2812	2DAY Today FM Sydney Pty Ltd NSW	<i>Kyle &amp; Jackie O Breakfast Show</i>	Exploitation and humiliation of child with extra limbs.	No breach—additional licence condition imposed on commercial radio broadcasting licence no. 3032*. No breach—hatred, contempt, ridicule because of disability. No breach—generally accepted standards of decency.
2844	2UUS ARN Communications Pty Ltd NSW	Advertisement	Political advertisement in support of mining industry broadcast without approved form of announcement.	No breach—identification of certain political matter*.

2856	2SM Radio 2SM Pty Ltd NSW	<i>John Laws</i>	Promotion of smoking.	No breach—tobacco advertising*.
2858	4KQ ARN Communications Pty Ltd Qld	<i>Down Down by Status Quo</i>	Distinguishing advertisements from other program content.	No breach—advertising standard*. No breach—advertising presented as news or other program material.
2859	3KKZ ARN Communications Pty Ltd Vic.	<i>Down Down by Status Quo</i>	Distinguishing advertisements from other program content.	No breach—advertising standard*. No breach—advertising presented as news or other program material.
2860	2UUS (WSFM) ARN Communications Pty Ltd NSW	<i>Down Down by Status Quo</i>	Distinguishing advertisements from other program content.	No breach—advertising standard*. No breach—advertising presented as news or other program material.
2874	4EL Prime Radio (Cairns-AM) Pty Ltd Qld	<i>John McKenzie's Morning Show</i>	Vile language and racial vilification. Complaints- handling.	No breach—hatred, contempt, ridicule because of race. No breach—generally accepted standards of decency. No breach—complaints-handling.
2899	6PR Radio 6PR Perth Pty Ltd WA	<i>Lisa, Paul &amp; Baz Show</i>	Advocacy of alcohol misuse during pregnancy.	No breach—misuse of alcohol.
2911	2DAY Today FM Sydney Pty Ltd NSW	<i>Kyle &amp; Jackie O Breakfast Show</i>	Vilification on grounds of transgender status, decency, gratuitous depiction of violence and brutality.	No breach—violence or brutality. No breach—hatred, contempt, ridicule because of gender and/or transgender. No breach—generally accepted standards of decency.
2918	2GB Harbour Radio Pty Ltd NSW	<i>Afternoons with Chris Smith</i>	Comments broadcast highly offensive and contravened community standards. Complaints- handling.	No breach—hatred, contempt, ridicule because of nationality. No breach—generally accepted standards of decency.
2938	2GB Harbour Radio Pty Ltd NSW	<i>The Alan Jones Breakfast Show</i>	Disclosure of commercial agreements and distinguishing advertisements from other program content.	No breach—advertising standard*. No breach—current affairs disclosure standard*.
2955	Sea FM Great Southern Land Broadcasters Pty Ltd Tas.	<i>Sea FM Breakfast with Nick &amp; Woody</i>	Distinguishing advertisements from other program content.	No breach—advertising standard*.
2961	2GB Harbour Radio Pty Ltd NSW	<i>The Alan Jones Breakfast Show</i>	Inaccurate statements about carbon dioxide emissions produced by human beings.	No breach—accuracy.

2971	4EL Prime Radio (Cairns-AM) Pty Ltd Qld	<i>The John MacKenzie Morning Show</i>	Disclosure of commercial agreements and distinguishing advertisements from other program content.	No breach—advertising standard*. No breach—current affairs disclosure standard*.
2983	2GB Harbour Radio Pty Ltd NSW	<i>The Ray Hadley Morning Show</i>	Disclosure of commercial agreements and distinguishing advertisements from other program content.	No breach—advertising standard*. No breach—current affairs disclosure standard*.

\*Investigation against a licence condition, standard or provision of the BSA.

## ABC television

Breach findings: 6				
Investigation number	Station	Program or issue	Substance of complaint	Outcome
2730	ABC TV	<i>Media Watch</i>	Inaccuracies, no opportunity to respond to allegations made and bias.	Breach—opportunity to respond. No breach—accuracy. No breach—materially mislead. No breach—impartiality.
2799	ABQ ABC TV Qld	<i>Q&amp;A; Lateline</i>	No captions.	Breach—captioning*.
2807	ABQ ABC TV Qld	<i>Budget 2012</i>	No captions.	Breach—captioning*.
2900	ABN ABC TV NSW	<i>At the Movies</i>	Quality of captions.	Breach—captioning*.
2912	ABN ABC TV NSW	<i>News Update</i>	Quality of captions.	Breach—captioning*.
2923	ABN ABC TV NSE	<i>Gruen Planet</i>	Quality of captions.	Breach—captioning*.
Non-breach findings: 41				
2788	ABW ABC TV WA	<i>ABC News 24</i>	Fabrication, pro-Israeli bias, omission, images of violence and racism towards Muslims in program promotion using footage of Golan Heights border incident.	No breach—accuracy. No breach—materially mislead. No breach—impartiality. No breach—not state or imply perspective is ABC editorial opinion. No breach—not misrepresent any perspective. No breach—not unduly favour one perspective. No breach—sensitivity in depicting violence, tragedy or trauma. No breach—stereotypes or discriminatory content.
2806	ABC TV	<i>Media Watch</i>	Personal prejudice and bias in segment about reportage of Murray-Darling water use.	No breach—impartiality. No breach—misrepresenting perspectives. No breach—not unduly favour one perspective.
2821	ABN ABC TV NSW	<i>Lateline</i>	Inaccuracies and bias in report on Sri Lanka.	No breach—accuracy. No breach—materially mislead. No breach—impartiality.

2837	ABN ABC TV NSW	<i>Media Watch</i>	Segment on media coverage of Lake Cathie environmental study contained inaccuracies, favoured one side of the debate, did not provide opportunity to respond and was ageist.	No breach—accuracy. No breach—materially mislead. No breach—diversity of perspectives. No breach—not unduly favour one perspective. No breach—opportunity to respond. No breach—stereotypes or discriminatory content.
2838	ABN ABC TV NSW	<i>Media Watch</i>	Segment about a NZ-born TV host implied that the presenter's perspective was the ABC's editorial opinion, did not provide opportunity to respond, used vulgar language without justification and was racist.	No breach—editorial opinion of the ABC. No breach—opportunity to respond. No breach—harm or offence. No breach—stereotypes or discriminatory content.
2847	ABV ABC TV Vic.	<i>Lateline</i>	Segment 'Obama endorses gay marriage' biased and misleading.	No breach—materially mislead. No breach—impartiality. No breach—not unduly favour one perspective.
2851	ABS ABC TV SA	<i>Anzac Day coverage</i>	No reference to reasons for Australian presence in Gallipoli in Anzac Day coverage.	No breach—impartiality. No breach—diversity of perspectives.
2853	ABV ABC TV Vic.	<i>Media Watch</i>	Concealment of critical facts resulted in misleading presentation in segment about reportage of Murray-Darling water use.	No breach—materially mislead.
2855	ABN ABC TV NSW	<i>Catalyst</i>	Inaccuracies and bias in segments about vaccination and Kawasaki disease.	No breach—materially mislead. No breach—impartiality. No breach—diversity of perspectives.
2857	ABQ ABC TV Qld	<i>ABC News 24</i>	Partiality towards Israel and bias against Palestinians by failing to report Palestinian prisoner hunger strike.	No breach—impartiality.
2862	ABQ ABC TV Qld	<i>ABC News</i>	Biased reporting of proposed biomass plant.	No breach—impartiality. No breach—not misrepresent any perspective. No breach—not unduly favour one perspective.
2863	ABN ABC TV NSW	<i>ABC News 24</i>	News item showed map with Persian Gulf labelled as 'Arabian Gulf'. Inadequate correction.	No breach—accuracy. No breach—materially mislead. No breach—correction of significant or materially misleading errors.

2865	ABC TV	7.30	Bias, inaccuracy, lack of opportunity to respond and poor attribution of sources.	No breach—accuracy. No breach—materially mislead. No breach—impartiality. No breach—opportunity to respond. No breach—attribution and sources.
2866	ABQ ABC TV Qld	<i>Lateline</i>	Bias in segment about BHP's Olympic Dam decision.	No breach—impartiality. No breach—not unduly favour one perspective.
2869	ABQ (ABC1) ABC TV Qld	Rage 'Blow me One Last Kiss', Pink (music video)	Inappropriate coarse language and sexual activity in G time zone.	No breach—television classifications (G themes, violence).
2872	ABS ABC TV SA	7.30	Political bias in interview with Leader of the Opposition.	No breach—impartiality.
2877	ABT ABC TV Tas.	<i>ABC News 24</i>	Inaccuracy and pro-government spin in paraphrase of military officer's statement about Afghanistan casualties.	No breach—materially mislead. No breach—impartiality.
2882	ABW ABC TV WA	<i>Four Corners</i>	Harm and invasion of privacy by identifying alleged victims of rape/ sexual assault in program about Julian Assange.	No breach—privacy. No breach—harm or offence.
2884	ABN ABC TV NSW	<i>Catalyst</i>	Omission of information in segment 'Sitting is deadly'.	No breach—accuracy. No breach—materially mislead.
2902	ABQ ABC TV Qld	<i>Insiders</i>	False 'fact' about carbon tax in interview with Leader of the Opposition.	No breach—accuracy.
2903	ABN ABC TV NSW	<i>The Drum</i>	Lack of impartiality and diversity in panel discussion about immigration policy.	No breach—diversity of perspectives. No breach—not misrepresent a perspective. No breach—not unduly favour one perspective.
2905	ABV (ABC1) ABC TV Vic.	<i>The Roast</i>	Inappropriate sexual references in PG-classified program.	No breach—television classifications (PG themes, sex).
2909	ABT ABC TV Tas.	<i>Prank Patrol</i>	Belittling of girls.	No breach—harm or offence. No breach—stereotypes or discriminatory content.
2916	ABW ABC TV WA	<i>ABC News</i>	False and misleading footage relating to emissions from power stations.	No breach—accuracy. No breach—materially mislead.
2917	ABN ABC TV NSW	<i>ABC News 24</i>	Use of the phrase 'marriage equality' is biased reporting.	No breach—materially mislead. No breach—impartiality.
2927	ABN (ABC1) ABC TV NSW	<i>The Hamster Wheel</i>	Inappropriate coarse language and depictions of violence in M-classified program.	No breach—television classifications (M violence, language).

2931	ABV ABC TV Vic.	<i>Lateline</i>	Lack of impartiality and accuracy in story 'Sri Lanka still unsafe'.	No breach—accuracy. No breach—impartiality. No breach—not unduly favour one perspective.
2936	ABW ABC TV WA	7.30	Anti-government bias in interviews of the Prime Minister and politician Lindsay Tanner, and in withdrawing a satirical segment lampooning Tony Abbott.	No breach—impartiality.
2939	ABW ABC TV WA	7.30	Program 'was inaccurate and biased, and did not provide a fair opportunity to respond to allegations.'	No breach—accuracy. No breach—materially mislead. No breach—impartiality. No breach—diversity of perspectives. No breach—misrepresenting perspectives. No breach—not unduly favour one perspective. No breach—opportunity to respond.
2945	ABT ABC TV Tas.	<i>Redfern Now</i>	Use of expressions offensive to Christians.	No breach—harm or offence.
2966	ABQ (ABC1) ABC TV Qld	<i>Pillars of Earth</i>	Inappropriate depictions of sex and violence in M-classified program.	No breach—television classification (M violence, sex).
2973	ABN ABC TV NSW	<i>ABC News 24</i>	Film clip in news item about HIV/AIDS Awareness Day was misrepresentative, misleading and an act of racial vilification.	No breach—materially mislead. No breach—stereotypes or discriminatory content.
2974	ABV ABC TV Vic.	7.30	Headline 'Israeli Outrage' for segment about abuse of livestock in an Israeli abattoir was misleading and showed anti-Israel bias.	No breach—accuracy. No breach—materially mislead. No breach—impartiality. No breach—not misrepresent any perspective. No breach—not unduly favour one perspective.
2975	ABN ABC TV NSW	<i>ABC News 24</i>	Use of Christian images in news item about the Royal Commission into child sexual abuse was offensive and demonstrated bias.	No breach—impartiality. No breach—harm and offence.
2976	ABN ABC TV NSW	<i>Media Watch</i>	Segment about 'false balance' was factually incorrect and did not display impartiality.	No breach—accuracy. No breach—impartiality.
2977	ABV ABC TV Vic.	<i>ABC News Breakfast</i>	Use of term 'Prophet Muhammad' showed lack of impartiality.	No breach—impartiality.

2988	ABV ABC TV Vic.	Compass	Use of religious imagery and references in program about child sexual abuse was offensive to Christians.	No breach—harm and offence.
2996	ABQ (ABC3) ABC TV Qld	<i>The Twisted Whiskers Show</i>	Program contained imagery and depictions of violence that were inappropriate for young children to view.	No breach—television classifications (G themes, violence).
2999	ABW ABC TV WA	ABC News	False and misleading footage of power station in item on greenhouse gas emissions.	No breach—accuracy. No breach—materially mislead.
3024	ABQ ABC TV Qld	ABC News	Biased and factually inaccurate item about logging in western Queensland forests.	No breach—accuracy. No breach—materially mislead. No breach—impartiality.
3047	ABQ (ABC1) ABC TV Qld	<i>Last Tango in Halifax</i>	Inappropriate depictions of sex in PG-classified program.	No breach—television classifications (PG sex).

\*Investigation against a licence condition, standard or provision of the BSA.

## ABC radio

### Non-breach findings: 10

Investigation number	Station	Program or issue	Substance of complaint	Outcome
2801	3LO ABC Radio Vic.	<i>Mornings</i>	Bias in comments on gay marriage.	No breach—impartiality. No breach—diversity of perspectives. No breach—editorial opinion.
2818	4RN ABC Radio Qld	<i>PM</i>	Inaccurate reference to the Australian Democrats as 'extinct'.	No breach—materially mislead.
2839	6JJJ ABC Radio WA	Various	Offensive language in song lyrics and other material, no warning.	No breach—harm or offence. No breach—provisions of warnings.
2870	2RN ABC Radio NSW	<i>The World Today</i>	Segment about UNRWA displayed inaccuracy, bias, no opportunity to respond to allegation, and unprofessional conduct when seeking interview.	No breach—acknowledge and correct or clarify errors. No breach—participants should be informed of their participation.
2906	3RN ABC Radio Vic.	<i>The Science Show</i>	Zero balancing material or applied journalistic objectivity in reportage of climate change/global warming.	No breach—impartiality. No breach—diversity of perspectives.

2907	3RN ABC Radio Vic.	AM	Wrong statements about link between power charges and carbon tax in interview with Leader of the Opposition.	No breach—accuracy. No breach—materially mislead.
2949	2RN ABC Radio NSW	<i>The Science Show</i>	Biased tirade comparing climate change sceptics to various undesirables.	No breach—impartiality. No breach—editorial opinion. No breach—not misrepresent any perspective. No breach—not unduly favour one perspective. No breach—harm and offence. No breach—stereotypes or discriminatory content.
2972	3LO ABC Radio Vic.	AM	Report about acupuncture favoured pro-acupuncture position.	No breach—diversity of perspectives. No breach—not unduly favour one perspective.
2977	3RN ABC Radio Vic.	AM	Use of term 'Prophet Muhammad' showed lack of impartiality.	No breach—impartiality.
3000	3LO ABC Radio Vic.	<i>Breakfast with Red Symons</i>	Racist comments about Dutch people.	No breach—stereotypes or discriminatory content.

SBS television				
Breach findings: 1				
Investigation number	Station	Program or issue	Substance of complaint	Outcome
2764	SBS SBS TV NSW	<i>Van Diemen's Land; Kissinger</i>	Quality of captions.	Breach—captioning*.
Non-breach findings: 3				
2904	SBS SBS TV	<i>World News Australia</i>	Biased reporting and misinformation about Syria.	No breach—prejudice, racism and discrimination. No breach—self-identification when referring to groups and individuals. No breach—religions. No breach—accuracy, impartiality and balance. No breach—violence and distressing events in news and current affairs.
2910	SBS SBS TV NSW	<i>UEFA Champions League Magazine</i>	No captions.	No breach—captioning*.
2921	SBS SBS TV	<i>Living Black</i>	Program title hurtful and discriminatory. Complaints-handling.	No breach—prejudice, racism and discrimination. No breach—self-identification when referring to groups and individuals.

\*Investigation against a licence condition, standard or provision of the BSA.

SBS radio				
Non-breach findings: 1				
Investigation number	Station	Program or issue	Substance of complaint	Outcome
2935	2EA SBS Radio NSW 2012/1807	Serbian Language Program	Term 'genocide' consistently avoided by SBS journalists in coverage of Srebrenica anniversary services.	No breach—accuracy, impartiality and balance.

Subscription television				
Non-breach findings: 1				
Investigation number	Station	Program or issue	Substance of complaint	Outcome
2842	AUSTAR (Channel V) Austar Entertainment Pty Ltd	'Born this Way', Lady Gaga (music video)	Music video contained inappropriate depictions of nudity and sexual themes.	No breach—program classifications (M themes).

Community television				
Breach findings: 1				
Investigation number	Station	Program or issue	Substance of complaint	Outcome
2913	C31 Melbourne Community Television Consortium Ltd	Code matters	Licensee does not have in place required board structure and governance arrangements, written policy and procedures about the community and its programming needs. Complaints-handling issue.	Breach—composition of board of directors. Breach—written policy and procedures to identify needs. No breach—structural barriers to participation. No breach—complaints-handling.

Community radio				
Breach findings: 8				
Investigation number	Station	Program or issue	Substance of complaint	Outcome
2867	2000 Multicultural Community Radio Association Ltd	Licence condition matter	Broadcasting advertisements.	Breach—advertising*.
2915	4SFM Sunshine FM Radio Association Inc.	Licence condition matters	Broadcasting advertisements and exceeding sponsorship time limit.	Breach—advertising*. No breach—sponsorship time limit.

2922	4SFM Sunshine FM Radio Association Inc.	Licence condition matters	Broadcasting advertisements and exceeding sponsorship time limit.	Breach—advertising*. No breach—sponsorship time limit.
2969	7RGY Radio Geeveston Youth Inc.	Code matters.	Stereotyping, vilification, and inciting or perpetuating hatred on the basis of ethnicity.	Breach—stereotyping No breach—vilification, inciting or perpetuation hatred.
2984	TCBL Tribe FM Inc.	Licence condition and code matters	Broadcasting advertisements and complaints-handling issues.	Breach—complaints-handling. No breach—advertising*.
2985	4SFM Sunshine FM Radio Association Inc.	Licence condition matter	Broadcasting advertisements.	Breach—advertising*.
2990	4SFM Sunshine FM Radio Association Inc.	Licence condition matters	Broadcasting advertisement and exceeding sponsorship time limit.	Breach—sponsorship time limit*. No breach—advertising*.
2998	2MWM Manly-Warringah Media Cooperative Ltd	Licence condition matters	Broadcasting advertisement and exceeding sponsorship time limit.	Breach—sponsorship time limit*. No breach—advertising*.

#### Non-breach findings: 4

2817	3BBS Goldfields Community Radio Co-operative Ltd	Licence condition matters	Broadcasting advertisements. Not representing the community interest.	No breach—broadcasting advertisements*. No breach—representing the community interest*.
2823	4FCR Fraser Coast Community Radio Inc.	Licence condition and code matters	Not representing the community interest. Policy documents not freely available.	No breach—representing the community interest*. No breach—policy documents to be freely available.
2861	2YOU Tamworth Broadcasting Society Inc.	Licence condition matter	Not encouraging participation.	No breach—participation*.
3049	4CRB	Code matter	Not presenting factual material accurately.	No breach—accuracy.

*\*Investigation against a licence condition, standard or provision of the BSA.*

Datacasting				
Breach findings: 1				
Investigation number	Datacaster	Program or issue	Substance of complaint	Outcome
2814	TV4ME Channel Seven Melbourne Pty Ltd (HSV)	<i>All About Animals,</i> <i>4WD TV Pro Tips,</i> <i>CNET TV, Escapes</i> <i>4 Me, Gasoline,</i> and <i>Channelvision</i>	Datacasting infotainment or lifestyle programs.	Breach—datacaster providing infotainment or lifestyle programs licence condition*.
Non-breach findings: 2				
2901	Extra Nine Network Queensland Television Ltd (QTQ) and Channel Nine Pty Ltd (TCN)	<i>BabeTVlive</i>	Sexualised content warranting an R18+ classification.	No breach—classification licence condition*.
2959	TV4ME Channel Seven Perth Pty Ltd (TVW)	<i>Psychic TV</i>	Datacasting an infotainment or entertainment program.	No breach—datacaster providing an infotainment or entertainment program licence condition*.

\*Investigation against a licence condition, standard or provision of the BSA.

## Appendix 7:

# Freedom of information— Information Publication Scheme

Agencies subject to the *Freedom of Information Act 1982* (FOI Act) are required to publish information to the public as part of the Information Publication Scheme (IPS). This requirement is in Part II of the FOI Act and has replaced the former requirement to publish a statement in an annual report. Each agency must display on its website a plan showing what information it publishes in accordance with the IPS requirements. The ACMA is an agency subject to the FOI Act.

In accordance with Part II of the FOI Act, the ACMA has developed an agency plan that outlines how it proposes to comply with Part II of the FOI Act. The agency plan has been published on the ACMA website (as required in paragraph 8(2)(a) of the FOI Act) at [www.acma.gov.au/theACMA/About/Corporate/Accountability/acma-freedom-of-information-act-publication-plan](http://www.acma.gov.au/theACMA/About/Corporate/Accountability/acma-freedom-of-information-act-publication-plan).

The agency plan provides a description of and links to the categories of information that the ACMA is required to publish, as well as information on other material that the ACMA voluntarily publishes. Further information can be obtained using the contact details provided in the agency plan.

# Appendix 8:

## Legislation

The ACMA performed its principal roles, responsibilities and obligations under the following legislation administered by the Department of Broadband, Communications and the Digital Economy and the Attorney-General's Department:<sup>1</sup>

**Table 57: Legislation relevant to the ACMA**

Acts	Act number	Date of assent	Date of commencement
<i>Australian Broadcasting Corporation Act 1983</i>	6 of 1983	1 June 1983	Part I (ss. 1–4), ss. 7, 9–24, 34, 69 and 83: Royal Assent Remainder: 1 July 1983 (see Gazette 1983, No. S124)
<i>Australian Communications and Media Authority Act 2005</i>	44 of 2005	1 April 2005	Ss. 3–68: 1 July 2005 Remainder: Royal Assent
<i>Broadcasting Services Act 1992</i>	110 of 1992	14 July 1992	Ss. 4, 5, 7–92 and 117–218: 5 October 1992 (see Gazette 1992, No. GN38) Remainder: Royal Assent
<i>Competition and Consumer Act 2010, Parts XIB and XIC</i>	51 of 1974	24 August 1974	Ss. 1 and 2: Royal Assent S. 55: 27 September 1975 (see Gazette 1975, No. S178) Remainder: 1 October 1974 (see Gazette 1974, No. 75B)
<i>Datacasting Charge (Imposition) Act 1998</i>	98 of 1998	27 July 1998	27 July 2008
<i>Datacasting Transmitter Licence Fees Act 2006</i>	154 of 2006	8 December 2006	1 January 2007
<i>Do Not Call Register Act 2006</i>	88 of 2006	30 June 2006	Parts 2, 4–5, ss. 39–40 and 42–45, Schedules 1–3: 31 May 2007 (see F2007L01114) Remainder: Royal Assent
<i>Interactive Gambling Act 2001</i>	84 of 2001	11 July 2001	Ss. 15, 15A, 61AA–61FE: 8 August 2001 Ss. 16–31, 42, 43, 48, 49, 54–59: 12 January 2002 Remainder: Royal Assent
<i>National Broadband Network Companies Act 2011</i>	22 of 2011	12 April 2011	s. 98A: 22 March 2011; ss. 3–98, 99–101, schedules 1 and 2: 13 April 2011 Remainder: Royal Assent
<i>NRS Levy Imposition Act 1998</i>	3 of 1998	26 March 1998	26 March 1998
<i>Radiocommunications Act 1992</i>	174 of 1992	11 December 1992	1 July 1993
<i>Radiocommunications (Receiver Licence Tax) Act 1983</i>	132 of 1983	22 December 1983	20 August 1985 (see Gazette 1985, No. S322)
<i>Radiocommunications (Spectrum Licence Tax) Act 1997</i>	144 of 1997	9 October 1997	9 October 1997

<sup>1</sup> The administration of Acts is determined by the Administrative Arrangements Order; see [www.comlaw.gov.au/C2013Q00004](http://www.comlaw.gov.au/C2013Q00004).

<i>Radiocommunications Taxes Collection Act 1983</i>	133 of 1983	22 December 1983	20 August 1985 (see Gazette 1985, No. S322)
<i>Radiocommunications (Transmitter Licence Tax) Act 1983</i>	137 of 1983	22 December 1983	20 August 1985 (see Gazette 1985, S322)
<i>Radio Licence Fees Act 1964</i>	119 of 1964	24 November 1964	24 November 1964
<i>Spam Act 2003</i>	129 of 2003	12 December 2003	ss. 1–14, 42, 47 and Schedule 2: 12 December 2003; Parts 2–6, s. 41, 43–46, Schedules 1 and 3: 10 April 2004 Remainder: Royal Assent
<i>Special Broadcasting Service Act 1991</i>	180 of 1991	25 November 1991	S. 54: 24 Mar 1994 (see Gazette 1994, No. GN10) Remainder: 23 Dec 1991
<i>Telecommunications Act 1997</i>	47 of 1997	22 April 1997	Ss. 41–51, 56–85, 98–495, 507–576, 579–588, 590–593 and Schedules 1–4: 1 July 1997 Ss. 52–55: 5 June 1997 Remainder: Royal Assent
<i>Telecommunications (Carrier Licence Charges) Act 1997</i>	49 of 1997	22 April 1997	22 April 1997
<i>Telecommunications (Consumer Protection and Service Standards) Act 1999</i>	50 of 1999	5 July 1999	Part 3: 1 July 1999 Remainder: 2 August 1999
<i>Telecommunications (Industry Levy) Act 2012</i>	45 of 2012	16 April 2012	Ss. 3 to 8: 1 July 2012 Remainder: Royal Assent
<i>Telecommunications (Interception and Access) Act 1979</i>	114 of 1979	25 October 1979	1 June 1980 (see Gazette 1980, No. G21, p. 2)
<i>Telecommunications (Numbering Charges) Act 1997</i>	51 of 1997	22 April 1997	Parts 1 and 4: Royal Assent Parts 2 and 3: 1 July 1997
<i>Telecommunications (Universal Service Levy) Act 1997</i>	53 of 1997	24 April 1997	1 July 1997
<i>Telecommunications Universal Service Management Agency Act 2012</i>	43 of 2012	16 April 2012	Ss. 3–125: 1 July 2012 Remainder: Royal Assent
<i>Television Licence Fees Act 1964</i>	118 of 1964	24 November 1964	24 November 1964
<i>Telstra Corporation Act 1991</i>	79 of 1991	26 June 1991	Part 1 (ss. 1–7): Royal Assent Remainder: 1 February 1992 (see Gazette 1992, No. S32)
<i>Telstra (Transition to Full Private Ownership) Act 2005</i>	118 of 2005	23 September 2005	Schedule 1 items 45–51 and 53–65: 24 November 2006 (F2006L03997); Schedule 1 Item 52: The third anniversary of the designated day declared under section 3. Schedule 1 Part 3: The 85% sale day declared under section 4. Remainder: Royal Assent

# Appendix 9:

## Directions and legislative instruments

Section 57 of the *Australian Communications and Media Authority Act 2005* (the ACMA Act) requires copies of certain directions and instruments to be included in the ACMA's annual report, including directions given to the ACMA under section 14 of the ACMA Act, and directions given by the ACMA to a carrier or carriage service provider under section 581 of the *Telecommunications Act 1997* (the Telecommunications Act) during the financial year.

Between 1 July 2012 and 30 June 2013, the ACMA was given the following five directions under section 14 of the ACMA Act:

**Table 58: Directions given to the ACMA, 2012–13**

Direction	Date of registration	Link to the direction
Australian Communications and Media Authority (Allocation Procedures – Reserve Prices) Direction No. 1 of 2012	20 November 2012	<a href="http://www.comlaw.gov.au/Details/F2012L02198">www.comlaw.gov.au/Details/F2012L02198</a>
Australian Communications and Media Authority (Allocation Procedures–Reserve Prices) Direction No. 2 of 2012	14 December 2012	<a href="http://www.comlaw.gov.au/Details/F2012L02472">www.comlaw.gov.au/Details/F2012L02472</a>
Australian Communications and Media Authority (Spectrum Licence Allocation – Combinatorial Clock Auction – Eligibility Deadline and Payment Terms) Direction 2013	19 March 2013	<a href="http://www.comlaw.gov.au/Details/F2013L00499">www.comlaw.gov.au/Details/F2013L00499</a>
Australian Communications and Media Authority (Television Licence Area Planning and Monitoring) Direction 2013	24 April 2013	<a href="http://www.comlaw.gov.au/Details/F2013L00679">www.comlaw.gov.au/Details/F2013L00679</a>
Australian Communications and Media Authority (Low Interference Potential Devices in the Digital Dividend) Direction 2013	30 May 2013	<a href="http://www.comlaw.gov.au/Details/F2013L00866">www.comlaw.gov.au/Details/F2013L00866</a>

Additionally, section 67 of the ACMA Act requires the ACMA to maintain a register of all directions given to it under that Act or any other Act. The ACMA maintains this register by electronic means on its website ([www.acma.gov.au/theACMA/ministerial-directions](http://www.acma.gov.au/theACMA/ministerial-directions)).

The ACMA did not give any directions during the financial year under section 581 of the Telecommunications Act.

Table 59: ACMA legislative instruments registered in 2012–13

Title	Act	Section	Date of instrument: Date of registration: FRLI number:
Licence Area Plan - Darwin Television - June 2012	<i>Broadcasting Services Act 1992</i>	Subsection 26(1)	21/06/2012 03/07/2012 F2012L01495
Licence Area Plan - Darwin and Katherine Television and Radio - Variation No. 1 of 2012	<i>Broadcasting Services Act 1992</i>	Subsection 26(2)	21/06/2012 03/07/2012 F2012L01496
Licence Area Plan - Brisbane Radio - Variation No. 1 of 2012	<i>Broadcasting Services Act 1992</i>	Subsection 26(2)	02/07/2012 05/07/2012 F2012L01511
Radiocommunications (Receiver Licence Tax) Amendment Determination 2012 (No. 1)	<i>Radiocommunications (Receiver Licence Tax) Act 1983</i>	Subsection 7(1)	09/07/2012 16/07/2012 F2012L01563
Radiocommunications (Transmitter Licence Tax) Amendment Determination 2012 (No. 2)	<i>Radiocommunications (Transmitter Licence Tax) Act 1983</i>	Subsection 7(1)	09/07/2012 16/07/2012 F2012L01564
Telecommunications Numbering Plan Variation 2012 (No. 1)	<i>Telecommunications Act 1997</i>	Subsection 455(1)	09/07/2012 17/07/2012 F2012L01567
Radiocommunications (Receiver Licence Tax) Amendment Determination 2012 (No. 2)	<i>Radiocommunications (Receiver Licence Tax) Act 1983</i>	Subsection 7(1)	01/08/2012 06/08/2012 F2012L01655
Radiocommunications (Transmitter Licence Tax) Amendment Determination 2012 (No. 3)	<i>Radiocommunications (Transmitter Licence Tax) Act 1983</i>	Subsection 7(1)	01/08/2012 06/08/2012 F2012L01656
Radiocommunications (Trading Rules for Spectrum Licences) Determination 2012	<i>Radiocommunications Act 1992</i>	Section 88	15/08/2012 21/08/2012 F2012L01718
Radiocommunications (subsection 145(3) Certificates) Determination 2012	<i>Radiocommunications Act 1992</i>	Section 266A	15/08/2012 21/08/2012 F2012L01719
Radiocommunications Advisory Guidelines (Registration of Devices under Spectrum Licences without an Interference Impact Certificate) Revocation Instrument 2012	<i>Radiocommunications Act 1992</i>	Subsection 262(1)	15/08/2012 21/08/2012 F2012L01720
Radiocommunications (Spectrum Licence Tax) Amendment Determination 2012 (No. 1)	<i>Radiocommunications (Spectrum Licence Tax) Act 1997</i>	Subsection 7(1)	15/08/2012 21/08/2012 F2012L01721
Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence Variation 2012 (No. 1)	<i>Radiocommunications Act 1992</i>	Section 134	15/08/2012 21/08/2012 F2012L01723
Radiocommunications Devices (Compliance Labelling) Amendment Notice 2012 (No. 1)	<i>Radiocommunications Act 1992</i>	Section 182	15/08/2012 21/08/2012 F2012L01724
Broadcasting Services (Simulcast Period End Date - Remote Licence Areas) Determination 2012	<i>Commercial Television Scheme 1999</i>	Paragraph 139(3)(b)	15/08/2012 21/08/2012 F2012L01725
Telecommunications (Numbering Charges - Delegated Services) Amendment Determination 2012	<i>Telecommunications (Numbering Charges) Act 1997</i>	Section 13	15/08/2012 21/08/2012 F2012L01726
Radiocommunications (118 MHz to 137 MHz Amplitude Modulated Equipment - Aeronautical Radio Service) Standard 2012	<i>Radiocommunications Act 1992</i>	Subsection 162(1)	15/08/2012 21/08/2012 F2012L01728
Radiocommunications Advisory Guidelines (Managing Interference to Spectrum Licensed Receivers - 800 MHz Band) 2012	<i>Radiocommunications Act 1992</i>	Section 262	15/08/2012 27/08/2012 F2012L01774

Radiocommunications Advisory Guidelines (Managing Interference from Spectrum Licensed Transmitters - 800 MHz Band) 2012	<i>Radiocommunications Act 1992</i>	Section 262	17/08/2012 27/08/2012 F2012L01775
Radiocommunications (Unacceptable Levels of Interference - 800 MHz Band) Determination 2012	<i>Radiocommunications Act 1992</i>	Subsection 145(4)	15/08/2012 28/08/2012 F2012L01777
Radiocommunications (Transmitter Licence Tax) Amendment Determination 2012 (No. 4)	<i>Radiocommunications (Transmitter Licence Tax) Act 1983</i>	Subsection 7(1)	31/08/2012 31/08/2012 F2012L01820
Radiocommunications (Charges) Amendment Determination 2012 (No. 2)	<i>Australian Communications and Media Authority Act 2005</i>	Subsection 60(1)	31/08/2012 31/08/2012 F2012L01821
Telecommunications (Payphone Consultation Document) Guidelines 2012	Telecommunications Universal Service Obligation (Public Consultation on the Location or Removal of Payphones) Determination 2011	Paragraph 13(1)(a)	28/08/2012 04/09/2012 F2012L01833
Telecommunications Technical Standard (Analogue Interworking and Non-interference Requirements for Customer Equipment for Connection to the Public Switched Telephone Network - AS/CA S002:2010) Amendment 2012 (No. 1)	<i>Telecommunications Act 1997</i>	Subsection 376(1)	14/09/2012 20/09/2012 F2012L01900
Radiocommunications (Spectrum Access Charges - 800 MHz) Determination 2012 (No. 1)	<i>Radiocommunications Act 1992</i>	Subsection 294(1)	21/09/2012 27/09/2012 F2012L01947
Broadcasting Services (Regional Commercial Radio - Material of Local Significance) Licence Condition 2012	<i>Broadcasting Services Act 1992</i>	Subsection 43(1)	21/09/2012 02/10/2012 F2012L01985
Telecommunications Technical Standard (Requirements for Customer Access Equipment for connection to Telecommunications Network – Part 1: General - AS/CA S003.1:2010) Amendment 2012 (No. 1)	<i>Telecommunications Act 1997</i>	Subsection 376(1)	21/09/2012 02/10/2012 F2012L01986
Broadcasting Services (Regional Commercial Radio - Local Presence) Licence Condition 2012	<i>Broadcasting Services Act 1992</i>	Subsection 43(1)	21/09/2012 02/10/2012 F2012L01987
Radiocommunications (Unacceptable Levels of Interference - 1800 MHz Band) Determination 2012	<i>Radiocommunications Act 1992</i>	Subsection 145(4)	26/09/2012 16/10/2012 F2012L02045
Radiocommunications Advisory Guidelines (Additional Device Boundary Criteria - 1800 MHz Lower Band) 2012	<i>Radiocommunications Act 1992</i>	Section 262	26/09/2012 16/10/2012 F2012L02046
Radiocommunications Advisory Guidelines (Managing Interference to Spectrum Licensed Receivers - 1800 MHz Band) 2012	<i>Radiocommunications Act 1992</i>	Section 262	26/09/2012 16/10/2012 F2012L02047
Radiocommunications Advisory Guidelines (Managing Interference from Spectrum Licensed Transmitters - 1800 MHz Band) 2012	<i>Radiocommunications Act 1992</i>	Section 262	26/09/2012 16/10/2012 F2012L02048
Radiocommunications (Datacasting Transmitter Licence Allocation) Revocation Determination 2012	<i>Radiocommunications Act 1992</i>	Section 106	06/11/2012 14/11/2012 F2012L02172
Radiocommunications (Spectrum Access Charges - 800 MHz Band) Determination 2012 (No. 2)	<i>Radiocommunications Act 1992</i>	Subsection 294(1)	06/11/2012 14/11/2012 F2012L02173
Licence Area Plan - Remote and Regional Western Australia Analog Television - Variation No. 1 of 2012	<i>Broadcasting Services Act 1992</i>	Subsection 26(2)	06/11/2012 14/11/2012 F2012L02176

Television Licence Area Plan (Darwin) 2012	<i>Broadcasting Services Act</i> 1992	Subsection 26(1B)	14/11/2012 21/11/2012 F2012L02207
Television Licence Area Plan (Riverland) Variation 2012	<i>Broadcasting Services Act</i> 1992	Subsection 26(2)	19/11/2012 26/11/2012 F2012L02252
Television Licence Area Plan (Spencer Gulf) Variation 2012	<i>Broadcasting Services Act</i> 1992	Subsection 26(2)	19/11/2012 26/11/2012 F2012L02255
Television Licence Area Plan (Broken Hill) Variation 2012	<i>Broadcasting Services Act</i> 1992	Subsection 26(2)	19/11/2012 26/11/2012 F2012L02259
Radiocommunications (Interpretation) Amendment Determination 2012 (No. 1)	<i>Australian Communications and Media Authority Act</i> 2005	Subsection 64(1)	27/11/2012 03/12/2012 F2012L02304
Television Licence Area Plan (Perth) 2012	<i>Broadcasting Services Act</i> 1992	Subsection 26(1B)	03/12/2012 11/12/2012 F2012L02394
Television Licence Area Plan (Sydney) 2012	<i>Broadcasting Services Act</i> 1992	Subsection 26(1B)	03/12/2012 11/12/2012 F2012L02396
Television Licence Area Plan (Melbourne) 2012	<i>Broadcasting Services Act</i> 1992	Subsection 26(1B)	03/12/2012 12/12/2012 F2012L02431
Television Licence Area Plan (Adelaide) 2012	<i>Broadcasting Services Act</i> 1992	Subsection 26(1B)	03/12/2012 12/12/2012 F2012L02437
Television Licence Area Plan (Mildura/ Sunraysia) 2012	<i>Broadcasting Services Act</i> 1992	Subsection 26(1B)	03/12/2012 13/12/2012 F2012L02447
Television Licence Area Plan (Regional Victoria) 2012	<i>Broadcasting Services Act</i> 1992	Subsection 26(1B)	03/12/2012 13/12/2012 F2012L02454
Television Licence Area Plan (Tasmania) 2012	<i>Broadcasting Services Act</i> 1992	Subsection 26(1B)	03/12/2012 13/12/2012 F2012L02455
Television Licence Area Plan (Southern New South Wales) 2012	<i>Broadcasting Services Act</i> 1992	Subsection 26(1B)	03/12/2012 14/12/2012 F2012L02457
Telecommunications Service Provider (Mobile Premium Services) Amendment Determination 2012 (No. 1)	<i>Telecommunications Act</i> 1997	Section 99	10/12/2012 14/12/2012 F2012L02458
Broadcasting Services (Regional Commercial Radio - Specification of Periods for Subsections 43C(1A) and 61CD(2)) Instrument 2012	<i>Broadcasting Services Act</i> 1992	Subsections 43C(1A) and 61CD(2)	10/12/2012 14/12/2012 F2012L02471
Television Licence Area Plan (Brisbane) 2012	<i>Broadcasting Services Act</i> 1992	Subsection 26(1B)	03/12/2012 17/12/2012 F2012L02495
Australian Radiofrequency Spectrum Plan 2013	<i>Radiocommunications Act</i> 1992	Section 30	10/12/2012 18/12/2012 F2012L02523
Television Licence Area Plan (Regional Queensland) 2012	<i>Broadcasting Services Act</i> 1992	Subsection 26(1B)	05/12/2012 18/12/2012 F2012L02530
Telecommunications Technical Standard (Requirements for Customer Equipment for connection to a metallic local loop interface of a Telecommunications Network - Part 2: Broadband - AS/ACIF S043.2:2008) Amendment 2012 (No. 1)	<i>Telecommunications Act</i> 1997	Subsection 376(1)	10/12/2012 18/12/2012 F2012L02533

Television Licence Area Plan (Northern New South Wales) 2012	<i>Broadcasting Services Act 1992</i>	Subsection 26(1B)	10/12/2012 19/12/2012 F2012L02537
Radiocommunications Spectrum Conversion Plan (2.5 GHz Mid-band Gap) 2012	<i>Radiocommunications Act 1992</i>	Section 38	13/12/2012 19/12/2012 F2012L02542
Radiocommunications (Unacceptable Levels of Interference - 700 MHz Band) Determination 2012	<i>Radiocommunications Act 1992</i>	Subsection 145(4)	19/12/2012 19/12/2012 F2012L02543
Radiocommunications Advisory Guidelines (Managing Interference to Receivers - 700 MHz Band) 2012	<i>Radiocommunications Act 1992</i>	Section 262	19/12/2012 19/12/2012 F2012L02544
Radiocommunications (Unacceptable Levels of Interference - 2.5 GHz Band) Determination 2012	<i>Radiocommunications Act 1992</i>	Subsection 145(4)	19/12/2012 19/12/2012 F2012L02545
Radiocommunications Advisory Guidelines (Managing Interference from Transmitters - 700 MHz Band) 2012	<i>Radiocommunications Act 1992</i>	Section 262	19/12/2012 19/12/2012 F2012L02546
Radiocommunications Spectrum Marketing Plan (700 MHz Band) 2012	<i>Radiocommunications Act 1992</i>	Section 39A	19/12/2012 19/12/2012 F2012L02547
Radiocommunications (Spectrum Licence Allocation - Combinatorial Clock Auction) Determination 2012	<i>Radiocommunications Act 1992</i>	Sections 60 and 294	19/12/2012 19/12/2012 F2012L02548
Radiocommunications Advisory Guidelines (Managing Interference to Receivers - 2.5 GHz Band) 2012	<i>Radiocommunications Act 1992</i>	Section 262	19/12/2012 19/12/2012 F2012L02549
Radiocommunications Advisory Guidelines (Managing Interference from Transmitters - 2.5 GHz Band) 2012	<i>Radiocommunications Act 1992</i>	Section 262	19/12/2012 19/12/2012 F2012L02550
Radiocommunications Spectrum Marketing Plan (2.5 GHz Band) 2012	<i>Radiocommunications Act 1992</i>	Section 39A	19/12/2012 19/12/2012 F2012L02552
Radiocommunications (Unacceptable Levels of Interference - 2.5 GHz Mid-band Gap) Determination 2012	<i>Radiocommunications Act 1992</i>	Subsection 145(4)	13/12/2012 20/12/2012 F2012L02553
Radiocommunications Advisory Guidelines (Managing Interference from Transmitters - 2.5 GHz Mid-band Gap) 2012	<i>Radiocommunications Act 1992</i>	Section 262	13/12/2012 20/12/2012 F2012L02555
Radiocommunications Advisory Guidelines (Managing Interference to Receivers - 2.5 GHz Mid-band Gap) 2012	<i>Radiocommunications Act 1992</i>	Section 262	13/12/2012 20/12/2012 F2012L02558
Radiocommunications (Field Trial by Corrective Services NSW of PMTS Jamming Devices at Lithgow Correctional Centre) Exemption Determination 2012	<i>Radiocommunications Act 1992</i>	Subparagraph 27(1)(be)(ii) and subsection 27(2)	17/12/2012 20/12/2012 F2012L02561
Radiocommunications (Overseas Amateurs Visiting Australia) Class Licence Variation 2012 (No. 1)	<i>Radiocommunications Act 1992</i>	Section 134	21/12/2012 21/12/2012 F2012L02573
Radiocommunications Licence Conditions (Amateur Licence) Amendment Determination 2012 (No. 1)	<i>Radiocommunications Act 1992</i>	Paragraph 107(1)(f)	21/12/2012 21/12/2012 F2012L02574
Radiocommunications (Spectrum Access Charges - 1800 MHz Band) Determination 2012 (No. 1)	<i>Radiocommunications Act 1992</i>	Subsection 294(1)	21/12/2012 03/01/2013 F2013L00010
Radiocommunications (Spectrum Access Charges - 1800 MHz Band) Determination 2012 (No. 2)	<i>Radiocommunications Act 1992</i>	Subsection 294(1)	21/12/2012 03/01/2013 F2013L00011

Radiocommunications (Receiver Licence Tax) Amendment Determination 2012 (No. 3)	<i>Radiocommunications (Receiver Licence Tax) Act 1983</i>	Subsection 7(1)	21/12/2012 03/01/2013 F2013L00012
Radiocommunications (Transmitter Licence Tax) Amendment Determination 2012 (No. 5)	<i>Radiocommunications (Transmitter Licence Tax) Act 1983</i>	Subsection 7(1)	21/12/2012 03/01/2013 F2013L00013
Radiocommunications Labelling (Electromagnetic Compatibility) Amendment Notice 2013 (No. 1)	<i>Radiocommunications Act 1992</i>	Section 182	17/01/2013 23/01/2013 F2013L00084
Radiocommunications Devices (Compliance Labelling) Amendment Notice 2013 (No. 1)	<i>Radiocommunications Act 1992</i>	Section 182	18/01/2013 23/01/2013 F2013L00085
Radiocommunications (Compliance Labelling - Electromagnetic Radiation) Amendment Notice 2013 (No. 1)	<i>Radiocommunications Act 1992</i>	Section 182	17/01/2013 23/01/2013 F2013L00086
Protected Symbols Determination 2013	<i>Radiocommunications Act 1992</i> <i>Telecommunications Act 1997</i>	Section 188A Section 417	18/01/2013 23/01/2013 F2013L00087
Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment Notice 2013 (No. 1)	<i>Telecommunications Act 1997</i>	Section 407	18/01/2013 23/01/2013 F2013L00088
Radiocommunications (Unacceptable Levels of Interference - 700 MHz Band) Amendment Determination 2013 (No. 1)	<i>Radiocommunications Act 1992</i>	Subsection 145(4)	29/01/2013 05/02/2013 F2013L00159
Licence Area Plan - Mount Isa Radio - Variation No. 1 of 2013	<i>Broadcasting Services Act 1992</i>	Subsection 26(2)	18/02/2013 22/02/2013 F2013L00259
Licence Area Plan - Nhulunbuy Radio - Variation No. 1 of 2013	<i>Broadcasting Services Act 1992</i>	Subsection 26(2)	18/02/2013 22/02/2013 F2013L00261
Licence Area Plan - Wangaratta Radio - Variation No. 1 of 2013	<i>Broadcasting Services Act 1992</i>	Subsection 26(2)	18/02/2013 22/02/2013 F2013L00263
Licence Area Plan - Colac Radio - Variation No. 1 of 2013	<i>Broadcasting Services Act 1992</i>	Subsection 26(2)	18/02/2013 22/02/2013 F2013L00266
Telecommunications (Listed Infringement Notice Provisions) Amendment Declaration 2013	<i>Telecommunications Act 1997</i>	Subsection 572E(7)	25/02/2013 05/03/2013 F2013L00408
Radiocommunications (Short Range Devices) Amendment Standard 2013 (No. 1)	<i>Radiocommunications Act 1992</i>	Subsection 162(1)	25/02/2013 06/03/2013 F2013L00415
Broadcasting Services (Commercial Radio Advertising) Standard Revocation 2013	<i>Broadcasting Services Act 1992</i>	Subsection 125(1)	11/03/2013 15/03/2013 F2013L00478
Licence Area Plan - Broken Hill Radio - Variation No. 1 of 2013	<i>Broadcasting Services Act 1992</i>	Subsection 26(2)	11/03/2013 19/03/2013 F2013L00489
Licence Area Plan - Adelaide Radio - Variation No. 1 of 2013	<i>Broadcasting Services Act 1992</i>	Subsection 26(2)	11/03/2013 19/03/2013 F2013L00498
Licence Area Plan - Wagga Wagga Radio - Variation No. 1 of 2013	<i>Broadcasting Services Act 1992</i>	Subsection 26(2)	11/03/2013 20/03/2013 F2013L00506
Licence Area Plan - Ipswich Radio - Variation No. 1 of 2013	<i>Broadcasting Services Act 1992</i>	Subsection 26(2)	11/03/2013 20/03/2013 F2013L00509
Broadcasting Services (Primary Commercial Television Broadcasting Service) Amendment Declaration 2013 (No. 1)	<i>Broadcasting Services Act 1992</i>	Clause 41G of Schedule 4	25/03/2013 27/03/2013 F2013L00568

Do Not Call Register (Access Fees) Amendment Determination (No. 1)	<i>Do Not Call Register Act 2006</i>	Subsection 21(1)	25/03/2013 03/04/2013 F2013L00593
Television Licence Area Plan (Remote Central and Eastern Australia) 2013	<i>Broadcasting Services Act 1992</i>	Subsection 26(1B)	18/04/2013 18/04/2013 F2013L00665
Television Licence Area Plan (Remote and Regional Western Australia) 2013	<i>Broadcasting Services Act 1992</i>	Subsection 26(1B)	18/04/2013 18/04/2013 F2013L00666
Radiocommunications (Low Interference Potential Devices) Class Licence Variation Notice 2013 (No. 1)	<i>Radiocommunications Act 1992</i>	Section 134	19/04/2013 30/04/2013 F2013L00711
Radiocommunications (Labelling) Determination 2013	<i>Radiocommunications Act 1992</i>	Subsection 300(1)	13/05/2013 22/05/2013 F2013L00821
Radiocommunications Licence Conditions (Apparatus Licence) Amendment Determination 2013 (No. 1)	<i>Radiocommunications Act 1992</i>	Paragraph 107(1)(f)	13/05/2013 22/05/2013 F2013L00824
Australian Radiofrequency Spectrum Plan Variation 2013 (No. 1)	<i>Radiocommunications Act 1992</i>	Section 34	13/05/2013 23/05/2013 F2013L00826
Radiocommunications (Public Safety and Emergency Response) Class Licence 2013	<i>Radiocommunications Act 1992</i>	Subsections 132(1) and 133(1)	13/05/2013 24/05/2013 F2013L00827
Broadcasting Services (Primary Commercial Television Broadcasting Service) Amendment Declaration 2013 (No. 2)	<i>Broadcasting Services Act 1992</i>	Clause 41G of Schedule 4	24/05/2013 27/05/2013 F2013L00852
Radiocommunications Advisory Guidelines (Managing Interference to Spectrum Licensed Receivers - 800 MHz Band) Amendment 2013 (No. 1)	<i>Radiocommunications Act 1992</i>	Section 262	24/05/2013 29/05/2013 F2013L00861
Broadcasting Services (Television Captioning) Standard 2013	<i>Broadcasting Services Act 1992</i>	Subsection 130ZZA(1)	24/05/2013 05/06/2013 F2013L00918
Telecommunications (Annual Carrier Licence Charge) Determination 2013	<i>Telecommunications (Carrier Licence Charges) Act 1997</i>	Subsection 14 (1)	24/05/2013 13/06/2013 F2013L00985
Telecommunications (Specification of Costs by the ACMA) Determination 2013	<i>Telecommunications (Carrier Licence Charges) Act 1997</i>	Paragraphs 15 (1) (a), (c) and (ca)	24/05/2013 14/06/2013 F2013L00989
Telecommunications Technical Standard (Voice Frequency Performance Requirements for Customer Equipment) 2013	<i>Telecommunications Act 1997</i>	Subsection 376(1)	19/06/2013 20/06/2013 F2013L01082
Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment Notice 2013 (No. 2)	<i>Telecommunications Act 1997</i>	Section 407	19/06/2013 20/06/2013 F2013L01083
Telecommunications (Emergency Call Service) Amendment Determination 2013	<i>Telecommunications (Consumer Protection and Service Standards) Act 1999</i>	Subsection 147(1)	19/06/2013 24/06/2013 F2013L01139
Telecommunications Universal Service Management Agency (Approved Auditor) Determination 2013	<i>Telecommunications Universal Service Management Agency Act 2012</i>	Subsection 94(4)	27/06/2013 27/06/2013 F2013L01188
Telecommunications Universal Service Management Agency (Eligible Revenue) Determination 2013	<i>Telecommunications Universal Service Management Agency Act 2012</i>	Subsections 91(5) and 93(1)	27/06/2013 28/06/2013 F2013L01199

# Appendix 10:

## Disclosures of information

Table 60: Disclosures made under Part 13 of the *Telecommunications Act 1997*—by carriers and carriage service providers

Reason for disclosure	(Sub)section	Number of disclosures 2012–13
<b>Under the <i>Telecommunications Act 1997</i></b>		
Authorised by or under law	280	13,693
Made as a witness under summons	281	542
To assist the ACMA	284(1)	1,530
To assist the ACCC	284(2)	1
To assist the TIO	284(3)	34,560
To assist TUSMA	284(4)	29
Calls to emergency service number	286	4,001
To avert a threat to a person's life or health	287	12,000
Communications for maritime purposes	288	0
With the knowledge or consent of the person concerned	289	66,788
In circumstances prescribed in the Telecommunications Regulations 2001	292	0
Connected with an exempt disclosure	293	426
<b>Under the <i>Telecommunications (Interception and Access Act) 1979</i></b>		
Voluntary disclosure	177	236
Authorisations for access to existing information or documents—enforcement of the criminal law	178	538,317
Authorisations for access to existing information or documents—locating missing persons	178A	1,233
Authorisations for access to existing information or documents—enforcement of a law imposing pecuniary penalty or protection of the public revenue	179	8,183
Authorisations for access to prospective information or documents	180	4,209
Enforcement of the criminal law of a foreign country (existing information)	180A	6
Enforcement of the criminal law of a foreign country (prospective information)	180B	3
<b>Total</b>		<b>685,757</b>

Note: Legislative amendments introduced the section 284(4) disclosures in July 2012 and the sections 180A and 180B disclosures in October 2012.

Table 61: Disclosures made under Part 13 of the *Telecommunications Act 1997*—  
by emergency management persons (EMP) for telephone-based emergency warning  
systems

Reason for disclosure	(Sub)section of Act	Number of disclosures
Likely emergency	295V(1)	0
Actual emergency	295V(2)	497,511

# Appendix 11:

## Judicial and administrative decisions

Judicial decisions and decisions of administrative tribunals made in the 2012–13 financial year that have had or may have a significant impact on the operations of the ACMA are summarised below.

### **Today FM Sydney Pty Ltd and Australian Communications and Media Authority [2012] AATA 544**

On 16 May 2012, the ACMA, under subsection 43(1) of the *Broadcasting Services Act 1992* (BSA), imposed an additional licence condition on the commercial radio broadcasting licence held by Today FM Sydney Pty Ltd (the licensee). The condition provided that, for a period of five years, the licensee comply with clause 1.3(a) (in relation to decency) of the Commercial Radio Australia Codes of Practice and Guidelines 2011 (the codes) as well as develop and implement a training program for its staff in relation to the obligations set out in clause 1.3(a). In response, the licensee appealed to the Administrative Appeals Tribunal (AAT) for a review of that decision. The licensee's arguments related to the terms of the additional licence condition imposed by the ACMA.

**Outcome:** On 8 October 2012, the AAT ordered that the licence condition imposed by the ACMA be varied such that, for a period of five years, the obligation to comply with the decency provisions of the codes apply to the *Hot30 Countdown* and the *Kyle & Jackie O Breakfast Show* programs broadcast by the licensee as well as any other radio program presented live-to-air by Mr Kyle Sandilands alone or in combination with another presenter or presenters. The AAT also ordered that the licensee provide training for its employees and contractors at least once every six months on compliance with the codes, and that in respect of the *Kyle & Jackie O Breakfast Show*, the licensee employ two content monitors to remove inappropriate material and maintain a 30-second broadcast delay.

**Significance:** The AAT's decision further informs the ACMA's strategy with respect to its compliance and enforcement activities. It also reinforces the importance of code compliance and that a provision such as clause 1.3(a) is suitable to being made a condition of a licence.

### **Australian Communications and Media Authority v Bytecard Pty Ltd [2013] FCA 38**

On 22 November 2011, the ACMA filed in the Federal Court an Originating Application and Statement of Claim against Bytecard Pty Ltd and its sole director Mr Brian Morris, seeking declarations, injunctions and pecuniary penalty orders in respect of Bytecard's failure to comply with five determinations of the Telecommunications Industry Ombudsman (TIO), and two written directions issued by the ACMA under section 102(2) of the *Telecommunications Act 1997* (Telecommunications Act).

The hearing on 22 October 2012 proceeded on the basis that the contraventions were established and the focus was therefore on the penalties.

#### **Outcome:**

- > On 1 February 2013, the Federal Court found that in relation to a failure to comply with several TIO determinations and ACMA directions, Bytecard contravened section 101(1) of the Telecommunications Act in that it failed to comply with:
  - > the TIO Scheme pursuant to section 132 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*
  - > a service provider rule within the meaning of section 98 and Schedule 2 of the Telecommunications Act
  - > clause 6.1 of the TIO Constitution.
- > The Federal Court made orders for Bytecard to establish and implement

a compliance program with respect to its obligations under the TIO Scheme as an internet access service provider, with particular regard to the handling of customer complaints, and to maintain and continue to implement the program for 12 months.

- > The Federal Court also ordered that under sections 101(2) and 570(1) of the Telecommunications Act, Bytecard pay to the Commonwealth a pecuniary penalty of \$75,000 and Mr Morris pay to the Commonwealth a pecuniary penalty of \$37,500.
- > The respondents were also ordered to pay the ACMA's costs of the proceedings.
- > The penalties imposed were intended to encourage specific deterrence in respect of the respondents, and to also generally deter and discourage others from engaging in prohibited conduct of a similar kind.

**Significance:** This is a case that provides guidance on the enforcement of binding determinations issued by the TIO and lawful directions issued by the ACMA and on the determination of penalties for breach.

***Sunshine Coast Broadcasters Pty Ltd v The Australian Communications and Media Authority (2012) 130 ALD 589; 297 ALR 621***

On 25 August 2011, the ACMA refused a request from Sunshine Coast Broadcasters Pty Ltd (SCB) to vary the boundary of the Nambour RA1 licence area as set out in the Licence Area Plan – Nambour Radio – December 2000 (Nambour LAP). LAPs may be varied by the ACMA under subsection 26(2) of the BSA, but there is no provision for a person to apply for a variation to be made. In deciding to vary a LAP, the ACMA must make provision for wide public consultation.

The circumstances were such that the variation requested by SCB would have resolved an unacceptable media diversity situation that required SCB's controller, Southern Cross Media Group, to divest itself of two commercial radio broadcasting licences in the Nambour RA1 licence area, or in the Brisbane RA1 licence area that is set out in the Licence Area Plan – Brisbane Radio – December 2000. On 20 October 2011, SCB commenced Federal Court proceedings seeking review of the ACMA's decisions:

- > not to undertake wide public consultation in relation to its request that the Nambour LAP be varied
- > not to vary that licence area plan.

**Outcome:** The application was dismissed on 2 November 2012. Kenny J found that the ACMA was not required to engage in wide public consultation when deciding not to progress a proposed licence area plan variation. Her Honour also found that the ACMA's decision was not affected by legal error.

**Significance:** The Federal Court's decision confirms that the ACMA is not required to engage in wide public consultation on a requested LAP variation unless it considers that there is a sufficient case to propose the requested variation. It also explains that, in refusing to act on a request to vary a LAP, the ACMA is exercising the power contained in paragraph 10(1)(s) of the ACMA Act and it was likely a decision to which the *Administrative Decisions (Judicial Review) Act 1977* applied.

# Appendix 12:

## Consultancies, advertising expenditure and competitive tendering

The ACMA engages consultants to provide specialised services when the capability or capacity to perform these in-house is not available, or where there is a requirement for independent advice.

The policy for selecting and engaging consultants is in accordance with the Commonwealth Procurement Rules and is based on the core principle of achieving value for money. The majority of consultants were engaged following an open approach to market and use of panel arrangements. The main categories for consultancies in 2012–13 were legal advice, research and audit.

During 2012–13, 81 new consultancy contracts were entered into, involving total actual expenditure of \$2,820,709. In addition, 20 ongoing consultancy contracts were active during 2012–13, involving total actual expenditure of \$516,799.

Information on expenditure on contracts and consultancies is also available on the AusTender website at [www.tenders.gov.au](http://www.tenders.gov.au).

Table 62: Expenditure on consultancy contracts, 2010–11 to 2012–13

Year	New consultancies	Continued consultancies
2010–11	\$1,385,186	\$403,931
2011–12	\$1,831,169	\$70,262
2012–13	\$2,820,709	\$516,799

Table 63: Expenditure on media advertising organisations, 2012–13

Organisation name	Purpose	Amount of payment
Facebook	General advertising	\$4,560
Google	General advertising	\$5,479
Adcorp Australia Ltd	Public notices and general advertising	\$17,787
Adcorp Australia Ltd	Recruitment advertising	\$8,183
Office of Parliamentary Counsel	Public notices	\$24,544
Radio Info	General advertising	\$913
Shipmate Directories	General advertising	\$2,739
University of Tasmania	General advertising	\$402
TARFish	General advertising	\$330
Radio Release	General advertising	\$1,095
<b>Total</b>		<b>\$66,032</b>

Table 64: Expenditure on market research organisations, 2012–13

Organisation name	Purpose	Amount of payment
Colmar Brunton	Consumer experience with the NBN rollout	\$80,146
Cudex t/a Newspoll	Quantity and quality <i>Reconnecting the Customer</i> tracking consumer outcomes research	\$151,404
Cudex t/a Newspoll	Local number portability survey	\$56,925
Cudex t/a Newspoll	Research into community attitudes to gambling advertising in sports broadcasts	\$45,273
Cudex t/a Newspoll	Research into behaviours and attitudes to local content in regional areas	\$32,648
GfK Bluemoon Research and Planning Pty Ltd	Digital citizenship principles testing research	\$53,276
GfK Bluemoon Research and Planning Pty Ltd	Attitudinal research for <i>Contemporary community safeguards inquiry</i>	\$132,440
Roy Morgan Research Ltd	Annual consumer survey	\$74,366
Taverner Research Company	Research into consumer attitudes to digital identities	\$120,830
Woolcott Research Pty Ltd	Research to test community awareness and perception of the Cybersmart brand with primary target audiences	\$38,500
Woolcott Research Pty Ltd	Commissioned research SME survey	\$95,370
<b>Total</b>		<b>\$881,178</b>

### Advertising

During the reporting period, the ACMA placed advertising for a range of purposes including public notices and recruitment.

Expenditure by the ACMA on advertising in 2012–13 was \$0.066 million. The ACMA did not undertake any advertising campaigns during the year.

### Competitive tendering

No contracts have been let that contract out delivery of government activities previously performed by a Commonwealth agency.

### Access by Auditor-General

No contracts have been let that prevent access by the Auditor-General.

### Exemptions from reporting of Commonwealth contracts

No exemptions have been sought or granted for the non-reporting of Commonwealth contracts on AusTender.

# Appendix 13:

## Outcome table

**Outcome 1: A communications and media environment that balances the needs of the industry and the Australian community through regulation, education and advice**

	Budget1	Actual	Variance
	(1)	(2)	(2) minus (1)
	\$'000	\$'000	\$'000
<b>Program 1.1: Communications regulation, planning and licensing</b>			
<b>Departmental items:</b>			
Departmental appropriations	72,468	72,468	(0)
Revenues from independent sources	657	1,172	515
<b>Subtotal for Program 1.1</b>	<b>73,125</b>	<b>73,639</b>	<b>514</b>
<b>Program 1.2: Consumer safeguards, education and information</b>			
<b>Departmental items</b>			
Departmental appropriations	26,803	26,803	0
Revenues from independent sources	243	433	190
Special appropriations			
Special Appropriation Act—Telecommunications consumer codes	300	0	(300)
Non-appropriation receipts to special accounts	145,076	145,512	436
<b>Subtotal for Program 1.2</b>	<b>172,422</b>	<b>172,749</b>	<b>327</b>
<b>Total for Outcome 1</b>			
Departmental	100,171	100,876	705
Administered	145,376	145,512	136
Average staffing level	533	559	

Notes

1. 2012–13 Budget figures

The 2012–13 Budget is the full-year revised budget at 2013–14 Portfolio Budget Statement.

# Appendix 14:

## Agency resource statement

	Actual available appropriations for 2012-13	Payments made 2012-13	Balance remaining
	\$'000	\$'000	\$'000
	(a)	(b)	(a-b)
<b>Ordinary annual services</b>			
<b>Departmental appropriation</b>			
Prior year departmental appropriation	26,439	16,948	9,491
Departmental appropriation	99,271	96,716	2,555
Departmental appropriation (DCB)	7,816	10	7,806
Repayments to the Commonwealth (FMA Act s. 30A)	3,990	3,990	0
S. 31 relevant agency receipts	2,257	1,205	1,052
<b>Total</b>	<b>139,773</b>	<b>118,869</b>	<b>20,904</b>
<b>Administered items</b>			
Outcome	199,455	198,651	804
Appropriation lapsing		804	(804)
<b>Total</b>	<b>199,455</b>	<b>199,455</b>	<b>0</b>
<b>Total ordinary annual services</b>	<b>339,228</b>	<b>318,324</b>	<b>20,904</b>
<b>Departmental non-operating</b>			
Equity injections	350	350	0
<b>Total</b>	<b>350</b>	<b>350</b>	<b>0</b>
<b>Special appropriations</b>			
Special appropriations limited by amount			
Telecommunication Act 1997—s. 136C(4) reimbursement of costs of developing consumer-industry code	684	353	331
Appropriation lapsing		331	(331)
<b>Total special appropriations</b>	<b>684</b>	<b>684</b>	<b>0</b>

**Special accounts**

Opening balance	64	64
Non-appropriations receipts to special accounts	58,642	58,642
Repayments to the Commonwealth (FMA Act s. 30A)	5,301	5,301
Payments made	63,988	(63,988)
<b>Total</b>	<b>64,007</b>	<b>63,988</b>
<b>Total resourcing and payments</b>	<b>404,269</b>	<b>383,346</b>
		<b>20,923</b>

# Appendix 15:

## Performance against PBS KPIs and deliverables

This table sets out the key performance indicators and deliverables from ACMA's Portfolio Budget Statements 2012–13 and identifies the sections of the report that cover the agency's actual performance against these indicators and deliverables.

### Outcome 1: A communications and media environment that balances the needs of the industry and the Australian community through regulation, education and advice.

#### Program 1.1: Communications regulation, planning and licensing

##### Program 1.1 Key performance indicators

- > An effective regulatory environment that supports a dynamic communications sector and enables industry to meet the communications needs of the community.
- > Efficient planning, allocation and use of national resources such as radiofrequency spectrum, communications numbering and infrastructure.
- > Industry contributes to, and complies with, the regulatory framework without being subject to undue financial or administrative burden.
- > Levels of industry compliance with the regulatory framework as assessed by breaches and recurrent breaches of legislation, codes, standards and licence conditions.
- > The cost of ACMA's regulatory activities is minimised to the extent possible.

Program 1.1 Deliverables	Performance in 2012–13
Government revenue targets met in the collection of annual numbering charges.	See pp. 74–5
Applications for an opinion on control or temporary approval of a breach of the <i>Broadcasting Services Act 1992</i> dealt with within applicable time frames.	See pp. 40–1
Annual identification and publication of primary issues facing key radiocommunications services, and methods ACMA proposes to use to manage these issues.	See p. 52
Greater marketplace contestability in frequency assignments.	See p. 61
Increased proportion of spectrum licensed through class and spectrum licensing.	See pp. 59–60
The proportion of licensing and numbering transaction applications dealt with within applicable time frames.	
60 per cent of apparatus licence applications requiring frequency assignment within 30 days.	See p. 58
100 per cent of apparatus licence applications not requiring frequency assignment within 14 days.	See p. 58
100 per cent of community broadcasting renewal applications processed within 12 months of receipt.	See pp. 66
100 per cent of geographic number allocations within 10 days.	See p. 69
Submarine cable permits within 20 days (protection zone) or 180 days (non-protection zone).	See p. 84

The proportion of online content, Do Not Call Register and broadcasting code complaints dealt with within applicable time frames.

Online content—90 per cent of child abuse items and other illegal content actioned within two business days of identification by the ACMA of content type; 100 per cent of all investigations finalised within 20 business days.	See p. 108
Telemarketing—50 per cent of complaints closed within seven days, 75 per cent within 14 days, 90 per cent within 21 days of receipt.	See p. 97
Broadcasting code complaint investigations completed within six months.	See p. 104
Price-based allocations of spectrum completed within statutory time frames.	
Price-based allocations of spectrum completed within two years of reallocation declaration and six months of the minister determining competition rules.	See pp. 47–9
Evaluate digital transmission reception to assess whether digital television has the same coverage as current analog services.	See pp. 44–5

### Program 1.2: Consumer safeguards, education and information

#### Program 1.2 Key performance indicators

- > The community has access to sufficient information to enable it to make informed decisions about communications products and services.
- > Effective community safeguards are implemented and maintained.
- > Research is undertaken, and stakeholders engaged, to maximise the extent to which information, standards and safeguards address the broad concerns of the community.

#### Program 1.2 Deliverables

#### Performance in 2012–13

Deliver information programs delivered in order to raise awareness of rights, obligations and safety issues.

Improving awareness of Triple Zero among children.	See p. 113
Consumer awareness campaign for the Do Not Call Register.	See p. 132
Cybersafety awareness and education activities.	See pp. 133–8
Consumer awareness of cabling regulation.	See p. 81
Information materials on the National Relay Service.	See p. 131
Protections for users of mobile premium services.	See p. 95
Risks and safety advice for users of online social networking sites.	See pp. 134, 141
Make reports on industry compliance with statutory consumer safeguards available within required time frames.	See pp. 128–30
Develop educational and research initiatives to underpin cybersafety programs.	See pp. 133–8
Undertake consultation at regular intervals to receive information and advice on matters affecting consumers of communications services.	See p. 131
In cooperation with industry, undertake reviews of communications standards, codes and determinations within appropriate time frames.	See pp. 51, 59–60, 70–1, 78–82, 84, 113, 127, 133
Raise awareness of Australia's spam legislation among consumers, businesses and the e-marketing industry through education programs and publications.	See pp. 99–101

# Appendix 16:

## Regulatory impact analysis compliance report

The Office of Best Practice Regulation (OBPR) manages and monitors regulatory impact analysis requirements and is required to report annually on regulatory impact compliance by Australian Government departments and agencies.

In 2012–13, the ACMA has undertaken 55 preliminary assessments for regulations made or tabled in the reporting period. Three Regulation Impact Statements have been prepared.

# Appendix 17:

## Compliance index

### Requirements for annual reports

Department of the Prime Minister and Cabinet

Part of report	Description	Page
	Letter of transmittal	3
	Table of contents	5
	Index	317
	Glossary	314
	Contact officer(s)	2
	Internet home page address and internet address for report	back cover, 2
Review by Chairman	Review by Chairman and Chief Executive Officer	10
	Summary of significant issues and developments	14
	Overview of agency's performance and financial results	10, 14, 33
	Outlook for following year	10
	Significant issues and developments—portfolio	n/a
Agency overview		
	Role and functions	27
	Organisational structure	28–32
	Outcome and program structure	37, 121, 233
	Where outcome and program structures differ from PB Statements/PAES or other portfolio statements accompanying any other additional appropriation bills (other portfolio statements), details of variation and reasons for change	n/a
	Portfolio structure	n/a
Report on performance	Review of performance during the year in relation to programs and contribution to outcomes	36–143 (summary tables 236–7)
	Actual performance in relation to deliverables and KPIs set out in PB Statements/PAES or other portfolio statements	36–143 (summary tables 236–7)
	Where performance targets differ from the PBS/ PAES, details of both former and new targets, and reasons for the change	n/a
	Narrative discussion and analysis of performance	throughout
	Trend information	throughout
	Significant changes in nature of principal functions/services	n/a
	Performance of purchaser/provider arrangements	n/a
	Factors, events or trends influencing departmental performance	throughout

Contribution of risk management in achieving objectives	153	
Social inclusion outcomes	146–7	
Performance against service charter customer service standards, complaints data, and the agency's response to complaints	151	
Discussion and analysis of the agency's financial performance	33, 154, 233–5, 243–311	
Discussion of any significant changes from the prior year, from budget or anticipated to have a significant impact on future operations	154	
Agency resource statement and summary resource tables by outcomes	233–5	
<b>Management and accountability</b>		
Corporate governance	<p>Agency heads are required to certify that their agency complies with the Commonwealth Fraud Control Guidelines</p> <p>Statement of the main corporate governance practices in place</p>	3, 153 33–4, 153, 158–9
	Names of the senior executives and their responsibilities	31–2
	Senior management committees and their roles	33–4, 158–9
	Corporate and operational planning and associated performance reporting and review	34–5
	Approach adopted to identifying areas of significant financial or operational risk	153
	Policy and practices on the establishment and maintenance of appropriate ethical standards	147
	How nature and amount of remuneration for SES officers is determined	145–6
External scrutiny	Significant developments in external scrutiny	n/a
	Judicial decisions and decisions of administrative tribunals	229–30
	Reports by the Auditor-General, a Parliamentary Committee or the Commonwealth Ombudsman	n/a
Management of human resources	<p>Assessment of effectiveness in managing and developing human resources to achieve departmental objectives</p> <p>Workforce planning, staff turnover and retention</p>	148 148–9
	Impact and features of enterprise or collective agreements, individual flexibility arrangements (IFAs), determinations, common law contracts and AWAs	145
	Training and development undertaken and its impact	148
	Work health and safety performance	147–8
	Statistics on staffing	145–6, 162–8
	Enterprise or collective agreements, IFAs, determinations, common law contracts and AWAs	145
	Performance pay	146
Assets management	Assessment of effectiveness of assets management	154
Purchasing	Assessment of purchasing against core policies and principles	154

Consultants	The annual report must include a summary statement detailing the number of new consultancy services contracts let during the year; the total actual expenditure on all new consultancy contracts let during the year (inclusive of GST); the number of ongoing consultancy contracts that were active in the reporting year; and the total actual expenditure in the reporting year on the ongoing consultancy contracts (inclusive of GST). The annual report must include a statement noting that information on contracts and consultancies is available through the AusTender website.	231
Australian National Audit Office Access Clauses	Absence of provisions in contracts allowing access by the Auditor-General	232
Exempt contracts	Contracts exempt from the AusTender	232
Financial statements	Financial statements	243–311
Other mandatory information		
	Work health and safety (Schedule 2, Part 4 of the <i>Work Health and Safety Act 2011</i> )	147–8
	Advertising and Market Research (section 311A of the <i>Commonwealth Electoral Act 1918</i> ) and statement on advertising campaigns	231–2
	Ecologically sustainable development and environmental performance (section 516A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> )	155
	Grant programs	154
	Disability reporting—explicit and transparent reference to agency-level information available through other reporting mechanisms	146–7
	Information Publication Scheme statement	217
	Spatial reporting—expenditure by program between regional and non-regional Australia	n/a
	Correction of material errors in previous annual report	n/a
	Agency resource statements and resources for outcomes	233–5
	List of requirements	239–42

**Compliance with *Australian Communications and Media Authority Act 2005*, Part 6, section 57, Annual report**

Requirement	Page
A copy of each direction given to the ACMA under section 14 during the financial year	220
A copy, or extract, of each instrument given to a carrier or to a carriage service provider under section 581 of the <i>Telecommunications Act 1997</i> during the financial year	No instruments given
A report on the number and types of complaints made under Part 26 of the <i>Telecommunications Act 1997</i>	84, 94, 96, 97, 99
A report on the investigations conducted as a result of complaints made under Part 26	
The results of those investigations	
A report on the operation of Part 6 of the <i>Telecommunications Act 1997</i>	84, 92–101
A report setting out statistical information relating to information or documents disclosed under Division 3 of Part 13 of the <i>Telecommunications Act 1997</i>	227

## Compliance with the *Financial Management and Accountability Act 1997*

Requirement	Page
Chief Executive must give annual financial statements to the Auditor-General	244–311
Financial statements must be prepared in accordance with the Finance Minister's Orders and must give a true and fair view	246
Chief Executive must state whether, in his or her opinion, the financial statements give a true and fair view	246

# Appendix 18:

## Financial statements

### Contents

- > Independent audit report
- > Statement by the Chief Executive and Chief Finance Officer
- > Income statement
- > Balance sheet
- > Statement of changes in equity
- > Cash flow statement
- > Schedule of commitments
- > Schedule of contingencies
- > Schedule of administered items
- > Notes



## INDEPENDENT AUDITOR'S REPORT

To the Minister for Communications

### Report on the Financial Statements

I have audited the accompanying financial statements of the Australian Communications and Media Authority (the Authority) for the year ended 30 June 2013, which comprise: a Statement by the Chief Executive and Chief Financial Officer; Statement of Comprehensive Income; Balance Sheet; Statement of Changes in Equity; Cash Flow Statement; Schedule of Commitments; Schedule of Contingencies; Administered Schedule of Comprehensive Income; Administered Schedule of Assets and Liabilities; Administered Reconciliation Schedule; Administered Cash Flow Statement; Schedule of Administered Commitments; Schedule of Administered Contingencies; and Notes comprising a Summary of Significant Accounting Policies and other explanatory information.

### *Chief Executive's Responsibility for the Financial Statements*

The Chief Executive of the Authority is responsible for the preparation of financial statements that give a true and fair view in accordance with the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, including the Australian Accounting Standards, and for such internal control as is necessary to enable the preparation of the financial statements that give a true and fair view and are free from material misstatement, whether due to fraud or error.

### *Auditor's Responsibility*

My responsibility is to express an opinion on the financial statements based on my audit. I have conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. These auditing standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Authority's preparation of the financial statements that give a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal control. An audit also includes evaluating the appropriateness of the

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accounting policies used and the reasonableness of accounting estimates made by the Chief Executive of the Authority, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

***Independence***

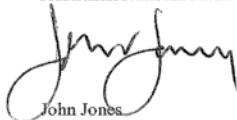
In conducting my audit, I have followed the independence requirements of the Australian National Audit Office, which incorporate the requirements of the Australian accounting profession.

***Opinion***

In my opinion, the financial statements of the Australian Communications and Media Authority:

- (a) have been prepared in accordance with the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, including the Australian Accounting Standards; and
- (b) give a true and fair view of the matters required by the Finance Minister's Orders including the Australian Communications and Media Authority's financial position as at 30 June 2013 and of its financial performance and cash flows for the year then ended.

Australian National Audit Office



John Jones

Executive Director

Delegate of the Auditor-General

Canberra

19 September 2013

**STATEMENT BY THE CHIEF EXECUTIVE AND CHIEF FINANCIAL OFFICER**

In our opinion, the attached financial statements for the year ended 30 June 2013 are based on properly maintained financial records and give a true and fair view of the matters required by the Finance Minister's Orders made under the Financial Management and Accountability Act 1997, as amended.



Chris Chapman  
Chief Executive



Antony Allen  
Chief Financial Officer

18th September 2013

18 September 2013

**STATEMENT OF COMPREHENSIVE INCOME**  
*for the period ended 30 June 2013*

	Notes	2013 \$'000	2012 \$'000
<b>EXPENSES</b>			
Employee benefits	3A	71,467	71,270
Suppliers	3B	32,388	35,045
Depreciation and amortisation	3C	7,388	6,344
Write-down and impairment of assets	3D	(7)	110
Losses from asset sales	3E	16	-
<b>Total expenses</b>		<b>111,252</b>	<b>112,769</b>
<b>LESS:</b>			
<b>OWN-SOURCE INCOME</b>			
<b>Own-source revenue</b>			
Sale of goods and rendering of services	4A	301	486
Other revenue	4B	1,220	1,055
<b>Total own-source revenue</b>		<b>1,521</b>	<b>1,541</b>
<b>Gains</b>			
Other gains	4C	84	84
<b>Total gains</b>		<b>84</b>	<b>84</b>
<b>Total own-source income</b>		<b>1,605</b>	<b>1,625</b>
<b>Net cost of (or contribution) services</b>		<b>109,647</b>	<b>111,144</b>
Revenue from Government	4D	99,271	103,526
<b>Surplus (Deficit) attributable to the Australian Government</b>		<b>(10,376)</b>	<b>(7,618)</b>
<b>OTHER COMPREHENSIVE INCOME</b>			
Changes in asset revaluation surplus		371	(575)
<b>Total other comprehensive income (loss)</b>		<b>371</b>	<b>(575)</b>
<b>Total comprehensive income (loss) attributable to the Australian Government</b>		<b>(10,005)</b>	<b>(8,193)</b>

The above statement should be read in conjunction with the accompanying notes.

**BALANCE SHEET***as at 30 June 2013*

	Notes	2013 \$'000	2012 \$'000
<b>ASSETS</b>			
<b>Financial Assets</b>			
Cash and cash equivalents	5A	1,035	1,315
Trade and other receivables	5B	21,624	28,704
<b>Total financial assets</b>		<u>22,659</u>	<u>30,019</u>
<b>Non-Financial Assets</b>			
Land and buildings	6A, C	12,378	13,457
Property, plant and equipment	6B, C	8,365	7,139
Intangibles	6D, E	24,587	20,131
Other non-financial assets	6F	1,537	1,606
<b>Total non-financial assets</b>		<u>46,867</u>	<u>42,333</u>
<b>Total Assets</b>		<u>69,526</u>	<u>72,352</u>
<b>LIABILITIES</b>			
<b>Payables</b>			
Suppliers	7A	3,774	5,910
Other payables	7B	4,001	3,231
<b>Total payables</b>		<u>7,775</u>	<u>9,141</u>
<b>Provisions</b>			
Employee provisions	8A	19,098	18,786
Other provisions	8B	1,998	1,930
<b>Total provisions</b>		<u>21,096</u>	<u>20,716</u>
<b>Total Liabilities</b>		<u>28,871</u>	<u>29,857</u>
<b>Net Assets</b>		<u>40,655</u>	<u>42,495</u>
<b>EQUITY</b>			
<b>Parent Entity Interest</b>			
Contributed equity		62,385	54,219
Reserves		1,964	1,575
Retained surplus (accumulated deficit)		(23,694)	(13,299)
<b>Total Equity</b>		<u>40,655</u>	<u>42,495</u>

The above statement should be read in conjunction with the accompanying notes.

**STATEMENT OF CHANGES IN EQUITY**  
as at 30 June 2013

		Retained earnings	Asset revaluation reserve	Contributed equity	Total equity
		2012 \$'000	2013 \$'000	2012 \$'000	2013 \$'000
<b>Opening balance</b>					
Balance carried forward from previous period		2013 \$'000	2013 \$'000	2012 \$'000	2012 \$'000
Adjustment for errors / rounding					
<b>Adjusted opening balance</b>					
<b>Comprehensive income</b>					
Revaluation increment/(decrement) on non-financial assets					
Surplus (Deficit) for the period	(10,376)		(7,618)	371	(575)
<b>Total comprehensive income</b>	(10,376)		(7,618)	371	(575)
<b>Transactions with owners</b>					
<b>Distributions to owners</b>					
Returns of capital:					
Return of Appropriations					
<b>Contributions by owners</b>					
Equity injection - Appropriations	-		-		
Other - rounding	-		-		
Restructuring	(1)		-	-	
<b>Sub-total transactions with owners</b>	(1)		-	8,166	8,166
Transfer of revaluation reserve of derecognised non-financial assets	(18)		18	4	
<b>Closing balance as at 30 June</b>	(23,694)		(13,299)	1,964	1,575
<b>Closing balance attributable to the Australian Government</b>	(23,694)		(13,299)	1,964	1,575

The above statement should be read in conjunction with the accompanying notes.

**CASH FLOW STATEMENT**

*for the period ended 30 June 2013*

	Notes	2013 \$'000	2012 \$'000
<b>OPERATING ACTIVITIES</b>			
<b>Cash received</b>			
Sale of goods and rendering of services		747	467
Appropriations		103,563	101,781
Net GST received		3,990	4,550
Other		1,247	1,088
<b>Total cash received</b>		<u>109,547</u>	<u>107,886</u>
<b>Cash used</b>			
Employees		71,044	68,530
Suppliers		37,502	39,070
<b>Total cash used</b>		<u>108,546</u>	<u>107,600</u>
<b>Net cash from (used by) operating activities</b>	<u>9</u>	<u>1,001</u>	<u>286</u>
<b>INVESTING ACTIVITIES</b>			
<b>Cash received</b>			
Proceeds from sales of property, plant and equipment		-	0
<b>Total cash received</b>		<u>-</u>	<u>0</u>
<b>Cash used</b>			
Purchase of property, plant and equipment		2,866	2,708
Purchase of intangibles		8,767	10,741
<b>Total cash used</b>		<u>11,633</u>	<u>13,449</u>
<b>Net cash from (used by) investing activities</b>		<u>(11,633)</u>	<u>(13,449)</u>
<b>FINANCING ACTIVITIES</b>			
<b>Cash received</b>			
Contributed equity		10,351	13,449
<b>Total cash received</b>		<u>10,351</u>	<u>13,449</u>
<b>Net cash from financing activities</b>		<u>10,351</u>	<u>13,449</u>
<b>Net increase (decrease) in cash held</b>		<u>(281)</u>	<u>286</u>
<b>Cash and cash equivalents at the beginning of the reporting period</b>		<u>1,315</u>	<u>1,029</u>
<b>Cash and cash equivalents at the end of the reporting period</b>	<u>5A</u>	<u>1,034</u>	<u>1,315</u>

The above statement should be read in conjunction with the accompanying notes.

**SCHEDULE OF COMMITMENTS**

*for the period ended 30 June 2013*

	2013 \$'000	2012 \$'000
<b>BY TYPE</b>		
<b>Commitments receivable</b>		
Sublease rental income <sup>1</sup>	-	377
Net GST recoverable on commitments	<u>7,287</u>	<u>5,738</u>
<b>Total commitments receivable</b>	<u><u>7,287</u></u>	<u><u>6,115</u></u>
 <b>Commitments payable</b>		
<b>Other commitments</b>		
Operating leases <sup>2</sup>	65,328	51,158
Suppliers <sup>3</sup>	<u>14,837</u>	<u>11,957</u>
<b>Total other commitments</b>	<u><u>80,165</u></u>	<u><u>63,115</u></u>
<b>Net commitments by type</b>	<u><u>72,878</u></u>	<u><u>57,000</u></u>
 <b>BY MATURITY</b>		
<b>Commitments receivable</b>		
<b>Operating lease income</b>		
One year or less	-	132
From one to five years	<u>-</u>	<u>245</u>
<b>Total operating lease income</b>	<u><u>-</u></u>	<u><u>377</u></u>
 <b>Other commitments receivable</b>		
One year or less	1,799	1,642
From one to five years	<u>5,488</u>	<u>4,096</u>
<b>Total other commitments receivable</b>	<u><u>7,287</u></u>	<u><u>5,738</u></u>
 <b>Commitments payable</b>		
<b>Operating leases commitments<sup>2</sup></b>		
One year or less	7,368	7,718
From one to five years	<u>25,995</u>	<u>19,746</u>
Over five years	<u>31,965</u>	<u>23,694</u>
<b>Total operating lease commitments</b>	<u><u>65,328</u></u>	<u><u>51,158</u></u>
 <b>Supplier Commitments</b>		
One year or less	12,425	10,349
From one to five years	<u>2,412</u>	<u>1,608</u>
<b>Total supplier commitments</b>	<u><u>14,837</u></u>	<u><u>11,957</u></u>
<b>Net commitments by maturity</b>	<u><u>72,878</u></u>	<u><u>57,000</u></u>

NB: Commitments are GST inclusive where relevant.

**SCHEDULE OF COMMITMENTS***for the period ended 30 June 2013*

<sup>2</sup>Operating leases are effectively non-cancellable and comprise:

<b>General description of leasing arrangement</b>											
Leases for office accommodation	<p>Office lease payments are subject to annual increases in accordance with upward movements of the Consumer Price Index or increased by a fixed rate. All office accommodation leases are current or in the process of being executed by the Lessor. A number of leases allow for extensions, the longest option providing for two five year extensions at the ACMA's discretion. On renewal, each lease allows for a market review to set the new rental base.</p> <table border="1"><thead><tr><th>Accommodation Lease</th><th>Minimum end date period</th></tr></thead><tbody><tr><td>Canberra</td><td>August 2023</td></tr><tr><td>Melbourne</td><td>Dec 2023</td></tr><tr><td>Parramatta</td><td>March 2016</td></tr><tr><td>Sydney</td><td>February 2021</td></tr></tbody></table>	Accommodation Lease	Minimum end date period	Canberra	August 2023	Melbourne	Dec 2023	Parramatta	March 2016	Sydney	February 2021
Accommodation Lease	Minimum end date period										
Canberra	August 2023										
Melbourne	Dec 2023										
Parramatta	March 2016										
Sydney	February 2021										
Agreements for the provision of motor vehicles - senior executives officers	No contingent rentals exist. There are no renewal or purchase options available to the ACMA.										

<sup>3</sup>Suppliers represents the future commitments for goods and services secured by long term purchase orders and generally relates to contractors and outsourced service providers

This schedule should be read in conjunction with the accompanying notes.

**SCHEDULE OF CONTINGENCIES**  
*as at 30 June 2013*

	2013 \$'000	2012 \$'000
<b>Contingent assets</b>		
Claims for damages or costs	-	-
<b>Total contingent assets</b>	-	-
 <b>Contingent liabilities</b>		
Claims for damages or costs	-	-
<b>Total contingent liabilities</b>	-	-
<b>Net contingent assets</b>	-	-

Details of each class of contingent liabilities and contingent assets listed above are disclosed in Note 10: Contingent Assets and Liabilities, along with information on significant remote contingencies and contingencies that cannot be quantified.

The above schedule should be read in conjunction with the accompanying notes.

**Administered Schedule of Comprehensive Income**  
*for the period ended 30 June 2013*

	Notes	2013 \$'000	2012 \$'000
<b>EXPENSES</b>			
Suppliers	15A	-	531
Subsidies	15B	145,274	161,046
Write-down and impairment of assets	15C	238	363
<b>Total expenses administered on behalf of Government</b>		<b>145,512</b>	<b>161,940</b>
<b>LESS:</b>			
<b>OWN-SOURCE INCOME</b>			
<b>Own-source revenue</b>			
Taxation revenue	16A	346,374	437,239
Other taxes		<b>346,374</b>	<b>437,239</b>
<b>Total taxation revenue</b>			
<b>Non-taxation revenue</b>			
Sale of goods and rendering of services	16B	4,083	3,213
Fees and fines	16C	42,887	41,457
Other revenue	16D	145,325	160,904
<b>Total non-taxation revenue</b>		<b>192,295</b>	<b>205,574</b>
<b>Total own-source revenue administered on behalf of Government</b>		<b>538,669</b>	<b>642,813</b>
<b>Gains</b>			
Sale of assets	16E	1,483,377	3,562
<b>Total gains administered on behalf of Government</b>		<b>1,483,377</b>	<b>3,562</b>
<b>Total own-source income administered on behalf of Government</b>		<b>2,022,046</b>	<b>646,375</b>
<b>Net cost of (contribution by) services</b>		<b>1,876,534</b>	<b>484,435</b>
Income tax expense		-	-
<b>Surplus (Deficit) after income tax on continuing operations</b>		<b>1,876,534</b>	<b>484,435</b>
<b>OTHER COMPREHENSIVE INCOME</b>			
<b>Total comprehensive income (loss) attributable to the Australian Government</b>			
		<b>1,876,534</b>	<b>484,435</b>

The above schedule should be read in conjunction with the accompanying notes.

**Administered Schedule of Assets and Liabilities**  
*as at 30 June 2013*

		2013	2012
	Notes	\$'000	\$'000
<b>ASSETS</b>			
<b>Financial assets</b>			
Cash and cash equivalents	17A	156	377
Taxation receivables	17B	174,320	207,545
Trade and other receivables	17C	38,994	39,095
Other financial assets	17D	453	-
<b>Total financial assets</b>		<b>213,923</b>	<b>247,017</b>
<b>Total assets administered on behalf of Government</b>		<b>213,923</b>	<b>247,017</b>
<b>LIABILITIES</b>			
<b>Payables</b>			
Subsidies	18A	-	83
Other payables	18B	62,444	6,440
<b>Total payables</b>		<b>62,444</b>	<b>6,523</b>
<b>Total liabilities administered on behalf of Government</b>		<b>62,444</b>	<b>6,523</b>
<b>Net assets</b>		<b>151,479</b>	<b>240,494</b>

The above schedule should be read in conjunction with the accompanying notes.

**Administered Reconciliation Schedule**

	2013 \$'000	2012 \$'000
<b>Opening administered assets less administered liabilities as at 1 July</b>	240,494	193,560
<b>Adjusted opening administered assets less administered liabilities</b>	240,494	193,560
Plus: Administered income	2,022,046	646,375
Less: Administered expenses (non CAC)	(145,512)	(161,940)
Appropriation transfers from OPA:	204,325	10,534
Transfers to OPA	(2,169,874)	(448,035)
<b>Closing administered assets less administered liabilities as at 30 June</b>	<u>151,479</u>	<u>240,494</u>

**Administered Cash Flow Statement**  
*for the period ended 30 June 2012*

	Notes	2013 \$'000	2012 \$'000
<b>OPERATING ACTIVITIES</b>			
<b>Cash received</b>			
Sales of goods and rendering of services		24,450	3,225
Interest		-	-
Dividends		-	-
Taxes		427,427	401,357
Fees		2,264	40,916
Fines		559	332
Net GST received		5,717	6,481
Other		94,753	75,321
<b>Total cash received</b>		<u>555,170</u>	<u>527,632</u>
<b>Cash used</b>			
Subsidies paid		(64,234)	(80,619)
Suppliers		-	(210)
Other		(8,799)	(12,942)
<b>Total cash used</b>		<u>(73,033)</u>	<u>(93,771)</u>
<b>Net cash flows from (used by) operating activities</b>	19	<u>482,137</u>	<u>433,861</u>
<b>INVESTING ACTIVITIES</b>			
<b>Cash received</b>			
Proceeds from sale of intangibles		1,483,192	3,609
<b>Total cash received</b>		<u>1,483,192</u>	<u>3,609</u>
<b>Net cash flows from (used by) investing activities</b>		<u>1,483,192</u>	<u>3,609</u>
<b>Net increase (decrease) in Cash Held</b>		<u>1,965,329</u>	<u>437,470</u>
Cash and cash equivalents at the beginning of the reporting period		377	408
Cash from Official Public Account for:			
- Appropriations		204,325	10,534
		<u>204,325</u>	<u>10,534</u>
Cash to Official Public Account for:			
- Appropriations		(2,169,874)	(448,035)
		<u>(2,169,874)</u>	<u>(448,035)</u>
<b>Cash and cash equivalents at the end of the reporting period</b>		<u>156</u>	<u>377</u>

This schedule should be read in conjunction with the accompanying notes.

**Schedule of Administered Commitments***as at 30 June 2013*

	2013 \$'000	2012 \$'000
<b>BY TYPE</b>		
<b>Commitments receivable</b>		
Other Commitment	2,023,983	-
<b>Total commitments receivable</b>	<u>2,023,983</u>	-
<b>Net commitments by type</b>	<u>2,023,983</u>	-
<b>BY MATURITY</b>		
<b>Other commitments receivable</b>		
One year or less	59,330	
From one to five years	1,964,653	
<b>Total other commitment receivable</b>	<u>2,023,983</u>	-
<b>Total commitments receivable</b>	<u>2,023,983</u>	-
<b>Net commitments by maturity</b>	<u>2,023,983</u>	-

On 23 April 2013, The Australian Communication and Media Authority (ACMA) commenced the digital dividend spectrum auction. The auction was held to reallocate radiofrequency spectrum in the 700 MHz band (the 'digital dividend') and the 2.5 GHz band. The auction concluded on the 7th of May 2013 which resulted a total spectrum sales of \$1.965bil. In accordance with the Ministerial direction, the ACMA expects to give notice of payment to successful bidders after the 19th of August 2014.

Existing spectrum licence were due for renewal this year, \$59mil is payable by Nov 2013.

The above schedule should be read in conjunction with the accompanying notes.

**Schedule of Administered Contingencies***as at 30 June 2013*

The ACMA has no administered contingencies as at 30 June 2013 and had no administered contingencies as at 30 June 2012.

Details of each class of contingent liabilities and contingent assets in the above table are disclosed in Note 21: Administered Contingent Assets and Liabilities, along with information on significant remote contingencies and contingencies that cannot be quantified.

The above schedule should be read in conjunction with the accompanying notes.

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**Note 1: Summary of Significant Accounting Policies****1.1 Objectives of The Australian Communications and Media Authority**

The Australian Communications and Media Authority (ACMA) is an Australian Government controlled entity. The objective of the ACMA is to enable a communications and media environment that balances the needs of the industry and the Australian community through regulation, education and advice.

The following table outlines the 2012-13 outcomes and programs for the ACMA (There has been no change in the programs this year):

<b>Outcome 1</b> : A communications and media environment that balances the needs of the industry and the Australian community through regulation, education and advice.
<b>Program 1.1:</b> Communications regulation, planning and licensing
<b>Program 1.2:</b> Consumer safeguards, education and information.

The continued existence of the ACMA in its present form and with its present programs is dependent on Government policy and on continuing appropriations by Parliament for the ACMA's administration and programs.

The ACMA's activities contributing toward these outcomes are classified as either departmental or administered.

- Departmental activities involve the use of assets, liabilities, income and expenses controlled or incurred by the ACMA in its own right.
- Administered activities involve the management or oversight by the ACMA, on behalf of the Government, of items controlled or incurred by the Government.

The ACMA administers the following activities on behalf of the Government:

- regulation of the telecommunications and radiofrequency services;
- managing access to the radiofrequency spectrum bands through radiocommunications licence arrangements;
- regulating compliance with the relevant legislation, licence conditions, codes of conduct and other service standards;
- promoting and facilitating industry self-regulation, exercising its powers when necessary, and reporting on matters of importance to the communication industry;
- managing Australia's "Do Not Call Register"; and
- representing Australia's communication interests internationally.

**1.2 Basis of Preparation of the Financial Statements**

The financial statements are general purpose financial statements and are required by section 49 of the *Financial Management and Accountability Act 1997*.

The Financial Statements have been prepared in accordance with:

- a) Finance Minister's Orders (or FMOs) for reporting periods ending on or after 1 July 2011; and
- b) Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

The financial statements have been prepared on an accrual basis and in accordance with the historical cost convention, except for certain assets and liabilities at fair value. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position.

The financial statements are presented in Australian dollars and values are rounded to the nearest thousand dollars unless otherwise specified.

## **Note 1: Summary of Significant Accounting Policies**

Unless an alternative treatment is specifically required by an accounting standard or the FMOs, assets and liabilities are recognised in the balance sheet when and only when it is probable that future economic benefits will flow to the ACMA or a future sacrifice of economic benefits will be required, and the amounts of the assets or liabilities can be reliably measured. However, assets and liabilities arising under executor contracts are not recognised unless required by an accounting standard. Liabilities and assets that are unrecognised are reported in the schedule of commitments or the schedule of contingencies.

Unless alternative treatment is specifically required by an accounting standard, income and expenses are recognised in the Statement of Comprehensive Income when and only when the flow, consumption or loss of economic benefits has occurred and can be reliably measured.

Administered revenues, expenses, assets and liabilities and cash flows reported in the Schedule of Administered Items and related notes are accounted for on the same basis, using the same policies as for departmental items, except where otherwise stated at Note 1.18.

### **1.3 Significant Accounting Judgements and Estimates**

In the process of applying the accounting policies listed in this note, the ACMA has made the following judgements that have the most significant impact on the amounts recorded in the financial statements:

- The fair value of land and buildings has been taken to be the market value of similar properties as determined by an independent valuer. In some instances, the ACMA's buildings are purpose-built and may in fact realise more or less in the market.

Other than as noted below, no other accounting assumptions or estimates have been identified that have a significant risk of causing a material adjustment to carrying amounts of assets and liabilities within the next reporting period.

- The amortised value of the administered receivable from broadcasting licence fees and datacasting charges has been estimated based on the prior year assessed licence fees on the assumption that all rebates will be claimed by broadcasting licensees and regardless of licensee compliance with rebate conditions. No indexation or other adjustments have applied for inflation, new participants paying the levies and charges or growth in earnings from broadcasting.

### **1.4 New Australian Accounting Standards**

#### ***Adoption of New Australian Accounting Standard Requirements***

No accounting standard has been adopted earlier than the application date as stated in the standard. No new standards, revised standards or interpretations that were issued prior to the sign off date, were applicable to the current reporting period had a financial impact on the entity.

### **1.5 Revenue**

#### ***Revenue from Government***

Amounts appropriated for departmental appropriations for the year (adjusted for any formal additions and reductions) are recognised as Revenue from Government when the ACMA gains control of the appropriation, except for certain amounts that relate to activities that are reciprocal in nature, in which case revenue is recognised only when it has been earned.

Appropriations receivable are recognised at their nominal amounts.

#### ***Resources Received Free of Charge***

Resources received free of charge are recognised as revenue when a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense.

Resources received free of charge are recorded as either revenue or gains depending on their nature.

Contributions of assets at no cost of acquisition or for a nominal consideration are recognised as gains at their fair value when the asset qualifies for recognition, unless received from another Government agency or authority as a consequence of a restructuring of administrative arrangements (refer to Note 1.7).

#### ***Parental Leave Payments Scheme***

Amounts received under the Parental Leave Payments Scheme by the entity not yet paid to employees have been presented at the gross amount as cash and a liability (payable). The total amount received under this scheme is disclosed as a footnote to Note 4: Revenue from Government.

## **Note 1: Summary of Significant Accounting Policies**

### **Other Types of Revenue**

Revenue from the sale of goods is recognised when:

- the risks and rewards of ownership have been transferred to the buyer;
- the ACMA retains no managerial involvement or effective control over the goods;
- the revenue and transaction costs incurred can be reliably measured; and
- it is probable that the economic benefits associated with the transaction will flow to the ACMA.

Revenue from rendering of services is recognised by reference to the stage of completion of contracts at the reporting date. The revenue is recognised when:

- the amount of revenue, stage of completion and transaction costs incurred can be reliably measured; and
- the probable economic benefits associated with the transaction will flow to the ACMA.

The stage of completion of contracts at the reporting date is determined by reference to the proportion that costs incurred to date bear to the estimated total costs of the transaction.

Receivables for goods and services, which have 30 day terms, are recognised at the nominal amounts due less any impairment allowance account. Collectability of debts is reviewed at the end of reporting period. Allowances are made when collectability of the debt is no longer probable.

### **1.6 Gains**

#### **Resources Received Free of Charge**

Resources received free of charge are recognised as gains when a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense.

Resources received free of charge are recorded as either revenue or gains depending on their nature.

Contributions of assets at no cost of acquisition or for nominal consideration are recognised as gains at their fair value when the asset qualifies for recognition, unless received from another Government entity as a consequence of a restructuring of administrative arrangements (Refer to Note 1.7).

#### **Sale of Assets**

Gains from disposal of assets are recognised when control of the asset has passed to the buyer.

### **1.7 Transactions with the Government as Owner**

#### **Equity Injections**

Amounts appropriated which are designated as 'equity injections' for a year (less any formal reductions) and Departmental Capital Budgets (DCBs) are recognised directly in contributed equity in that year.

#### **Restructuring of Administrative Arrangements**

Net assets received from or relinquished to another Australian Government entity under a restructuring of administrative arrangements are adjusted at their book value directly against contributed equity.

#### **Other Distributions to Owners**

The FMOs require that distributions to owners be debited to contributed equity unless it is in the nature of a dividend. In 2012-13, no surplus output appropriation funding was relinquished and returned to the Official Public Account. Last year, the ACMA also had no surplus output appropriation funding to relinquish.

### **1.8 Employee Benefits**

Liabilities for 'short-term employee benefits' (as defined in AASB 119 *Employee Benefits*) and termination benefits due within twelve months of end of reporting period are measured at their nominal amounts.

The nominal amount is calculated with regard to the rates expected to be paid on settlement of the liability.

Other long-term employee benefits are measured as net total of the present value of the defined benefit obligation at the end of the reporting period minus the fair value at the end of the reporting period of plan assets (if any) out of which the obligations are to be settled directly.

## **Note 1: Summary of Significant Accounting Policies**

### Leave

The liability for employee benefits includes provision for annual leave and long service leave. No provision has been made for sick leave as all sick leave is non-vesting and the average sick leave taken in future years by employees of the ACMA is estimated to be less than the annual entitlement for sick leave.

The leave liabilities are calculated on the basis of employees' remuneration at the estimated salary rates that will be applied at the time the leave is taken, including the ACMA's employer superannuation contribution rates to the extent that the leave is likely to be taken during service rather than paid out on termination.

The liability for long service leave has been determined by reference to the short hand method prescribed by the Department of Finance and Deregulation's Finance Brief 13 Measurement of Commonwealth Sector Employee Leave Entitlements. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

### Separation and Redundancy

Provision is made for separation and redundancy benefit payments. The ACMA recognises a provision for termination when it has developed a detailed formal plan for the terminations and has informed those employees affected that it will carry out the terminations.

### Superannuation

The ACMA's staff are members of the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS) or the PSS accumulation plan (PSSap).

The CSS and PSS are defined benefit schemes for the Australian Government. The PSSap is a defined contribution scheme.

The liability for defined benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course. This liability is reported by the Department of Finance and Deregulation as an administered item.

The ACMA makes employer contributions to the employees' superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Government of the superannuation entitlements of the ACMA's employees. The ACMA accounts for the contributions as if they were contributions to defined contribution plans.

The ACMA makes contributions to other approved superannuation funds nominated by employees who have exercised their right to choose other funds. The contributions are made at a fixed rate to defined contribution schemes.

The liability for superannuation recognised as at 30 June represents outstanding contributions for the final fortnight of the year.

### **1.9 Leases**

A distinction is made between finance leases and operating leases.

- Finance leases effectively transfer from the lessor to the lessee substantially all the risks and rewards incidental to ownership of leased assets.
- An operating lease is a lease that is not a finance lease. In operating leases, the lessor effectively retains substantially all such risks and benefits.

Where an asset is acquired by means of a finance lease, the asset is capitalised at either the fair value of the lease property or, if lower, the present value of minimum lease payments at the inception of the contract and a liability is recognised at the same time and for the same amount.

The discount rate used is the interest rate implicit in the lease. Leased assets are amortised over the period of the lease. Lease payments are allocated between the principal component and the interest expense.

Operating lease payments are expensed on a straight-line basis which is representative of the pattern of benefits derived from the leased assets.

### **1.10 Cash**

Cash is recognised at its nominal amount. Cash and cash equivalents includes:

- cash on hand;
- cash held with outsiders, and
- cash in special accounts.

## **Note 1: Summary of Significant Accounting Policies**

### **1.11 Financial Assets**

The only category of financial assets held by the ACMA is "loans and receivables".

These financial assets are not interest bearing, and are recognised and derecognised upon trade date.

#### **Loans and Receivables**

Loans and other receivables that have fixed or determinable payments, not quoted in an active market are classified as 'loans and receivables'. Loans and receivables are measured at amortised cost using the effective interest method less impairment.

#### **Impairment of Financial Assets**

Financial assets are assessed for impairment at the end of each reporting period.

*Financial assets held at amortised cost* - if there is objective evidence that an impairment loss has been incurred for loans and receivables, the amount of the loss is measured as the difference between the asset's carrying amount and the present value of estimated future cash flows discounted at the asset's original effective interest rate. The carrying amount is reduced by way of an allowance account. The loss is recognised in the Statement of Comprehensive Income.

### **1.12 Financial Liabilities**

The only category of financial liabilities in the ACMA is classified as "other financial liabilities".

Financial liabilities are recognised and derecognised upon trade date.

#### **Other Financial Liabilities**

Other financial liabilities are initially measured at fair value, net of transaction costs. These liabilities are subsequently measured at amortised cost using the effective interest method, with interest expense recognised on an effective yield basis.

The effective interest method is a method of calculating the amortised cost of a financial liability and of allocating interest expense over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash payments through the expected life of the financial liability, or, where appropriate, a shorter period.

Supplier and other payables are recognised at amortised cost. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

### **1.13 Contingent Liabilities and Contingent Assets**

Contingent liabilities and contingent assets are not recognised in the balance sheet but are reported in the relevant schedules and notes. They may arise from uncertainty as to the existence of a liability or asset or represent an asset or liability in respect of which the amount cannot be reliably measured. Contingent assets are disclosed when settlement is probable but not virtually certain and contingent liabilities are disclosed when settlement is greater than remote.

### **1.14 Acquisition of Assets**

Assets are recorded at cost on acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken. Financial assets are initially measured at their fair value plus transaction costs where appropriate.

Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and income at their fair value at the date of acquisition, unless acquired as a consequence of restructuring of administrative arrangements. In the latter case, assets are initially recognised as contributions by owners at the amounts at which they were recognised in the transferor's accounts immediately prior to the restructuring.

**Note 1: Summary of Significant Accounting Policies****1.15 Property, Plant and Equipment****Asset Recognition Threshold**

Purchases of property, plant and equipment are recognised initially at cost in the balance sheet, except for purchases costing less than the applicable threshold, which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total). The asset thresholds have not been changed during the current financial year.

Asset Class	Threshold
Buildings	\$50,000
Leasehold improvements	\$10,000
Plant and equipment	\$5,000
Motor vehicles	\$10,000
Software - purchased	\$10,000
Software - internally developed	\$10,000

The initial cost of an asset includes an estimate of the cost of dismantling and removing the item and restoring the site on which it is located. This is particularly relevant to 'make good' provisions in property leases taken up by the ACMA where there exists an obligation to restore the property to its original condition. These costs are included in the value of the ACMA's leasehold improvements with a corresponding provision for the 'make good' recognised.

**Revaluations**

Fair values for each class of asset are determined as shown below.

Asset Class	Revaluation cycle	Fair Value Measured at
Land	Annually	Market selling price
Building	Tri-annually	Market selling price
Leasehold Improvements	Tri-annually	Market selling price or depreciated replacement cost
Plant & Equipment	Tri-annually	Market selling price or depreciated replacement cost
Motor Vehicles	Tri-annually	Market selling price or depreciated replacement cost

Following initial recognition at cost, property plant and equipment are carried at fair value less subsequent accumulated depreciation and accumulated impairment losses. Valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets do not differ materially from the assets' fair values as at the reporting date. The regularity of independent valuations depends upon the volatility of movements in market values for the relevant assets.

Revaluation adjustments are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation reserve except to the extent that it reverses a previous revaluation decrement of the same asset class that was previously recognised in the surplus/deficit. Revaluation decrements for a class of assets are recognised directly in the surplus/deficit except to the extent that they reverse a previous revaluation increment for that class.

All assets except intangibles were valued in June 2013.

Any accumulated depreciation as at the revaluation date is eliminated against the gross carrying amount of the asset and the asset restated to the revalued amount.

**Depreciation**

Depreciable property, plant and equipment assets are written-off to their estimated residual values over their estimated useful lives to the ACMA using, in all cases, the straight-line method of depreciation.

Depreciation rates (useful lives), residual values and methods are reviewed at each reporting date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate.

Depreciation rates applying to each class of depreciable asset are based on the following useful lives, which are the same as last year:

Asset Class	Useful Life
Buildings	5 to 40 years
Plant & Equipment	3 to 15 years
Motor vehicles	5 to 10 years

Land has indefinite useful life and is not depreciated.

**Note 1: Summary of Significant Accounting Policies**

**Impairment**

All assets were assessed for impairment at 30 June 2013. Where indications of impairment exist, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

The recoverable amount of an asset is the higher of its fair value less costs to sell and its value in use. Value in use is the present value of the future cash flows expected to be derived from the asset. Where the future economic benefit of an asset is not primarily dependent on the asset's ability to generate future cash flows, and the asset would be replaced if the ACMA were deprived of the asset, its value in use is taken to be its depreciated replacement cost.

**Derecognition**

An item of property, plant and equipment is derecognised upon disposal or when no further future economic benefits are expected from its use or disposal.

**1.16 Intangibles**

The ACMA's intangibles comprise internally developed and purchased software for internal use. These assets are carried at cost less accumulated amortisation and accumulated impairment losses.

Software is amortised on a straight-line basis over its anticipated useful life. The useful lives of the ACMA's software are 3 to 10 years, and have not changed from previous years.

All software assets were assessed for indications of impairment as at 30 June 2013.

**1.17 Taxation / Competitive Neutrality**

The ACMA is exempt from all forms of taxation except Fringe Benefits Tax (FBT) and the Goods and Services Tax (GST).

Revenues, expenses and assets are recognised net of GST except:

- where the amount of GST incurred is not recoverable from the Australian Taxation Office; and
- for receivables and payables.

**Competitive Neutrality**

The ACMA does not provide any services on a for profit basis and does not have any Competitive Neutrality obligations.

## **Note 1: Summary of Significant Accounting Policies**

### **1.18 Reporting of Administered Activities**

Administered revenues, expenses, assets, liabilities and cash flows are disclosed in the schedule of administered items and related notes.

Except where otherwise stated below, administered items are accounted for on the same basis and using the same policies as for departmental items, including the application of Australian Accounting Standards.

#### **Administered Cash Transfers to and from the Official Public Account**

Revenue collected by the ACMA for use by the Government rather than the ACMA is administered revenue. Collections are transferred to the Official Public Account (OPA) maintained by the Department of Finance and Deregulation. Conversely, cash is drawn from the OPA to make payments under Parliamentary appropriation on behalf of Government. These transfers to and from the OPA are adjustments to the administered cash held by the ACMA on behalf of the Government and reported as such in the statement of cash flows in the schedule of administered items and in the administered reconciliation table in the Schedule of Administered Items. Thus the Schedule of Administered Items largely reflects the Government's transactions, through the ACMA, with parties outside the Government.

#### **Revenue**

All administered revenues are revenues relating to the course of ordinary activities performed by the ACMA on behalf of the Australian Government.

Contributions from industries in the form of taxes, industry levies and fines are recognised as revenue when:

- The economic activity giving rise to the Government's right to the contribution has taken place; and
- The liability to contribution can be reliably measured.

#### **Loans and Receivables**

Where loans and receivables are not subject to concessional treatment, they are carried at amortised cost using the effective interest method. Gains and losses due to impairment, derecognition and amortisation are recognised through profit or loss.

#### **Subsidies**

The ACMA administers the Universal Service Obligation (USO) and National Relay Service (NRS) subsidy schemes on behalf of the Government.

Subsidy liabilities are recognised to the extent that:

- the services required to be performed by the grantee have been performed or
- the grant eligibility criteria have been satisfied, but payments due have not been made.

With effect from 01 July 2012 a new agency, the Telecommunications Universal Service Management Agency (TUSMA) was formed, and the NRS and USO levies were repealed and replaced with the Telecommunications Industry Levy (TIL). TUSMA has assumed some of the functions of the ACMA relating to USO and NRS. The ACMA will continue to collect levies on behalf of TUSMA, remit them to the Official Public Account and report them as Taxation Revenues and not Subsidies Collected. The ACMA will furthermore cease to report on Subsidies Paid to the industry.

### **1.19 Monitoring and assessment of risks**

The Australian Government continues to have regard to developments in case law, including the High Court's most recent decision on Commonwealth expenditure in *Williams v Commonwealth* (2012) 288 ALR 410, as they contribute to the larger body of law relevant to the developments of Commonwealth programs. In accordance with its general practice, the Government will continue to monitor and assess risks and decide on any appropriate action to respond to risks of expenditure not being consistent not being with constitutional or other legal requirements.

## **Note 2: Events After the Reporting Period**

No event has occurred after the balance date that should be disclosed in these statements.

**Note 3: Expenses**

	2013 \$'000	2012 \$'000
<b>Note 3A: Employee Benefits</b>		
Wages and salaries	<b>49,452</b>	48,202
Superannuation:		
Defined contribution plans	3,938	3,538
Defined benefit plans	6,340	5,504
Leave and other entitlements	9,707	12,209
Separation and redundancies	2,030	1,817
<b>Total employee benefits</b>	<b>71,467</b>	71,270
<b>Note 3B: Suppliers</b>		
<b>Goods and services</b>		
Consultants	2,309	2,409
Contractors	3,535	4,831
Outsourced services	4,559	3,812
Stationery and publications	686	874
Legal costs	1,235	830
Occupancy costs	2,552	2,464
I.T. and communications services	3,624	4,735
Travel costs	2,707	3,345
Other	3,817	4,780
<b>Total goods and services</b>	<b>25,024</b>	28,080
<b>Goods and services are made up of:</b>		
Provision of goods – related entities	-	5
Provision of goods – external parties	763	933
Rendering of services – related entities	1,199	1,216
Rendering of services – external parties	23,062	25,926
<b>Total goods and services</b>	<b>25,024</b>	28,080
<b>Other supplier expenses</b>		
Operating lease rentals – external parties:		
Minimum lease payments	6,676	6,606
Workers compensation expenses	688	359
<b>Total other supplier expenses</b>	<b>7,364</b>	6,965
<b>Total supplier expenses</b>	<b>32,388</b>	35,045

**Note 3: Expenses**

	2013 \$'000	2012 \$'000
<b>Note 3C: Depreciation and Amortisation</b>		
<b>Depreciation:</b>		
Buildings and leasehold improvements	1,036	1,045
Property, plant and equipment	2,029	2,614
<b>Total depreciation</b>	<b>3,065</b>	<b>3,659</b>
 <b>Amortisation:</b>		
Intangibles	4,323	2,685
<b>Total amortisation</b>	<b>4,323</b>	<b>2,685</b>
<b>Total depreciation and amortisation</b>	<b>7,388</b>	<b>6,344</b>
 <b>Note 3D: Write-Down and Impairment of Assets</b>		
<b>Asset write-downs and impairments from:</b>		
Impairment on financial instruments	(3)	1
Impairment of property, plant and equipment	-	109
Revaluation increment - Land	(20)	
Revaluation decrement - property, plant and equipment	16	-
<b>Total write-down and impairment of assets</b>	<b>(7)</b>	<b>110</b>
 <b>Note 3E: Losses from Asset Sales</b>		
Property, plant and equipment:		
Proceeds from sale	-	-
Carrying value of assets sold	16	-
<b>Total losses from asset sales</b>	<b>16</b>	<b>-</b>

**Note 4: Income**

	2013 \$'000	2012 \$'000
<b>REVENUE</b>		
<i><b>Note 4A: Sale of Goods and Rendering of Services</b></i>		
Provision of goods - related entities	231	231
Provision of goods - external parties	69	251
Rendering of services - related entities	-	-
Rendering of services - external parties	1	4
<b>Total sale of goods and rendering of services</b>	<b>301</b>	<b>486</b>
<i><b>Note 4B: Other Revenue</b></i>		
Number allocation charges	1,110	960
Other	110	95
<b>Total other revenue</b>	<b>1,220</b>	<b>1,055</b>
<b>GAINS</b>		
<i><b>Note 4C: Other Gains</b></i>		
Resources received free of charge	84	84
<b>Total other gains</b>	<b>84</b>	<b>84</b>
<b>REVENUE FROM GOVERNMENT</b>		
<i><b>Note 4D: Revenue from Government</b></i>		
<b>Appropriations:</b>		
Departmental outputs	99,271	103,526
<b>Total revenue from Government</b>	<b>99,271</b>	<b>103,526</b>

The entity received \$6k (2012: \$8k) under the Paid Parental Leave Scheme.

**Note 5: Financial Assets**

	2013 \$'000	2012 \$'000
<b>Note 5A: Cash and Cash Equivalents</b>		
Cash on hand or on deposit	963	1,250
Cash held by outsiders	72	65
<b>Total cash and cash equivalents</b>	<b>1,035</b>	<b>1,315</b>
<b>Note 5B: Trade and Other Receivables</b>		
<b>Good and Services:</b>		
Goods and services - related entities	-	-
Goods and services - external parties	46	113
<b>Total receivables for goods and services</b>	<b>46</b>	<b>113</b>
<b>Appropriations receivable:</b>		
For existing outputs	20,904	27,399
<b>Total appropriations receivable</b>	<b>20,904</b>	<b>27,399</b>
<b>Other receivables:</b>		
GST receivable from the Australian Taxation Office	382	546
Other	292	699
<b>Total other receivables</b>	<b>674</b>	<b>1,245</b>
<b>Total trade and other receivables (gross)</b>	<b>21,624</b>	<b>28,757</b>
<b>Less impairment allowance account:</b>		
Goods and services	-	53
<b>Total impairment allowance account</b>	<b>-</b>	<b>53</b>
<b>Total trade and other receivables (net)</b>	<b>21,624</b>	<b>28,704</b>
<b>Receivables are expected to be recovered in:</b>		
No more than 12 months	21,624	28,704
More than 12 months	-	-
<b>Total trade and other receivables (net)</b>	<b>21,624</b>	<b>28,704</b>
<b>Receivables are aged as follows:</b>		
Not overdue	21,621	28,678
Overdue by:		
0 to 30 days	3	-
31 to 60 days	-	26
61 to 90 days	-	-
More than 90 days	-	53
<b>Total receivables (gross)</b>	<b>21,624</b>	<b>28,757</b>
<b>The impairment allowance account is aged as follows:</b>		
Not overdue	-	-
Overdue by:		
0 to 30 days	-	-
31 to 60 days	-	-
61 to 90 days	-	-
More than 90 days	-	53
<b>Total impairment allowance account</b>	<b>-</b>	<b>53</b>

**Note 5: Financial Assets****Reconciliation of the Impairment Allowance Account:****Movements in relation to 2013**

	<b>Goods and services \$'000</b>	<b>Total \$'000</b>
<b>Opening balance</b>	53	53
<b>Amounts recovered and reversed</b>	(53)	(53)
<b>Closing balance</b>	-	-

**Movements in relation to 2012**

	<b>Goods and services \$'000</b>	<b>Total \$'000</b>
<b>Opening balance</b>	52	52
<b>Increase/ (decrease) recognised in net surplus</b>	1	1
<b>Closing balance</b>	53	53

**Note 6: Non-Financial Assets**

	2013 \$'000	2012 \$'000
<b>Note 6A: Land and Buildings</b>		
Land at fair value	6,850	6,830
<b>Total Land</b>	<u>6,850</u>	<u>6,830</u>
<b>Buildings on freehold land:</b>		
Fair value	222	288
Accumulated depreciation	-	(31)
<b>Total buildings on freehold land</b>	<u>222</u>	<u>257</u>
<b>Leasehold improvements:</b>		
Fair value	5,306	9,704
Accumulated depreciation	-	(3,334)
<b>Total leasehold improvements</b>	<u>5,306</u>	<u>6,370</u>
<b>Total land and buildings</b>	<u>12,378</u>	<u>13,457</u>

No indicators of impairment were found for land and buildings.

Land and buildings were revalued by independent valuers at 30 June 2013 in accordance with the revaluation policy stated at Note 1.15.

The ACMA is currently transferring the land title to Cox Peninsula to the Northern Territory Government, which is expected to be concluded within the next 12 months.

**Note 6B: Property, Plant and Equipment**

<b>Property, plant and equipment:</b>		
Fair value	8,365	12,380
Accumulated depreciation	-	(5,241)
<b>Total Property, plant and equipment</b>	<u>8,365</u>	<u>7,139</u>

No indicators of impairment were found for property, plant and equipment.

The ACMA is in the process of relocating offices. As a consequence, there may be minor property, plant or equipment to be sold or disposed of within the next 12 months.

Property, Plant and Equipment were revalued by independent valuers at 30 June 2013 in accordance with the revaluation policy stated at Note 1.15.

**Revaluations of non-financial assets**

Revaluation increment of \$20,000 for Land (2012: decrement of \$575,000), decrement of \$19,000 for Building (2012: \$Nil), decrement of \$44,000 for Leasehold improvements (2012: \$Nil), and increment of \$434,000 for Plant and Equipment (2012: \$Nil)

Movements on the revaluation reserves are as follows:

<b>Asset Class</b>	<b>Increment (Decrement)</b>	Increment (Decrement)
Land	20	(575)
Building	(19)	-
Leasehold Improvements	(44)	-
Plant and Equipment	<b>434</b>	-

**Note 6: Non-Financial Assets**

**Note 6C: Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment (2012-13)**

	Land \$'000	Buildings \$'000	Total land and buildings \$'000	Other property, plant & equipment \$'000	Total \$'000
<b>As at 1 July 2012</b>					
Gross book value	6,830	9,991	16,821	12,380	29,201
Accumulated depreciation and impairment	-	(3,364)	(3,364)	(5,241)	(8,605)
<b>Net book value 1 July 2012</b>	<b>6,830</b>	<b>6,627</b>	<b>13,457</b>	<b>7,139</b>	<b>20,596</b>
<b>Additions*</b>					
By purchase	-	-	-	2,866	2,866
Revaluations and impairments recognised in other comprehensive income	20	(63)	(43)	418	375
Depreciation expense	-	(1,036)	(1,036)	(2,029)	(3,065)
Reclassification	-	-	-	(13)	(13)
Other	-	-	-	(16)	(16)
<b>Net book value 30 June 2013</b>	<b>6,850</b>	<b>5,528</b>	<b>12,378</b>	<b>8,365</b>	<b>20,743</b>
<b>Net book value as of 30 June 2013 represented by:</b>					
Gross book value	6,850	5,528	12,378	8,365	20,743
Accumulated depreciation and impairment	-	-	-	-	-
<b>Net book value 30 June 2013</b>	<b>6,850</b>	<b>5,528</b>	<b>12,378</b>	<b>8,365</b>	<b>20,743</b>

**Note 6C (Cont'd): Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment (2011-12)**

	Land \$'000	Buildings \$'000	Total land and buildings \$'000	Other property, plant & equipment \$'000	Total \$'000
<b>As at 1 July 2011</b>					
Gross book value	7,440	7,836	15,276	11,829	27,105
Accumulated depreciation and impairment	-	(2,319)	(2,319)	(2,693)	(5,012)
<b>Net book value 1 July 2011</b>	<b>7,440</b>	<b>5,517</b>	<b>12,957</b>	<b>9,136</b>	<b>22,093</b>
<b>Additions*</b>					
By purchase	-	-	-	2,708	2,708
Revaluations and impairments recognised in other comprehensive income	(575)	-	(575)	-	(575)
Revaluations recognised in the operating result	(35)	-	(35)	-	(35)
Impairments recognised in the operating result	-	-	-	(74)	(74)
Depreciation expense	-	(1,045)	(1,045)	(2,614)	(3,659)
Reclassifications	-	2,156	2,156	(2,017)	139
Other	-	(1)	(1)	-	(1)
<b>Net book value 30 June 2012</b>	<b>6,830</b>	<b>6,627</b>	<b>13,457</b>	<b>7,139</b>	<b>20,596</b>
<b>Net book value as of 30 June 2012 represented by:</b>					
Gross book value	6,830	9,991	16,821	12,380	29,201
Accumulated depreciation and impairment	-	(3,364)	(3,364)	(5,241)	(8,605)
<b>Net book value 30 June 2012</b>	<b>6,830</b>	<b>6,627</b>	<b>13,457</b>	<b>7,139</b>	<b>20,596</b>

**Note 6: Non-Financial Assets**

	2013 \$'000	2012 \$'000
<b>Computer software:</b>		
Internally developed – in progress	11,847	13,450
Internally developed – in use	28,089	18,627
Purchased	<u>10,926</u>	<u>10,180</u>
<b>Total computer software (gross)</b>	<b>50,862</b>	<b>42,257</b>
Accumulated amortisation	<u>(26,275)</u>	<u>(22,126)</u>
<b>Total computer software (net)</b>	<b>24,587</b>	<b>20,131</b>
<b>Total intangibles</b>	<b>24,587</b>	<b>20,131</b>

No indicators of impairment were found for intangible assets.

No intangibles are expected to be sold or disposed of within the next 12 months.

**Note 6: Non-Financial Assets**

**Note 6E: Reconciliation of the Opening and Closing Balances of Intangibles (2012-13)**

	Computer software internally developed \$'000	Computer software purchased \$'000	Total \$'000
As at 1 July 2012			
Gross book value	32,077	10,180	42,257
Accumulated amortisation and impairment	(15,208)	(6,918)	(22,126)
Net book value 1 July 2012	16,869	3,262	20,131
Additions*			
Internally developed	8,767	-	8,767
Impairments recognised in the operating result	-	-	-
Amortisation	(2,831)	(1,492)	(4,323)
Reclassifications	(733)	746	13
Other	(1)	-	(1)
Net book value 30 June 2013	22,071	2,516	24,587
Net book value as of 30 June 2013 represented by:			
Gross book value	39,936	10,926	50,862
Accumulated amortisation and impairment	(17,865)	(8,410)	(26,275)
	22,071	2,516	24,587

**Note 6E (Cont'd): Reconciliation of the Opening and Closing Balances of Intangibles (2011-12)**

	Computer software internally developed \$'000	Computer software purchased \$'000	Total \$'000
As at 1 July 2011			
Gross book value	22,287	9,469	31,756
Accumulated amortisation and impairment	(13,924)	(5,617)	(19,541)
Net book value 1 July 2011	8,363	3,852	12,215
Additions*			
Internally developed	10,741		10,741
Amortisation	(1,284)	(1,401)	(2,685)
Reclassifications	(951)	812	(139)
Other movements (roundings)	-	(1)	(1)
Net book value 30 June 2012	16,869	3,262	20,131
Net book value as of 30 June 2012 represented by:			
Gross book value	32,077	10,180	42,257
Accumulated amortisation and impairment	(15,208)	(6,918)	(22,126)
	16,869	3,262	20,131

**Note 6: Non-Financial Assets**

	2013 \$'000	2012 \$'000
<b>Prepaid expenses</b>	<b>1,537</b>	1,606
<b>Total other non-financial assets</b>	<b>1,537</b>	1,606

No indicators of impairment were found for other non-financial assets.

Total other non-financial assets - are expected to be recovered in:

No more than 12 months	1,537	1,606
<b>Total other non-financial assets</b>	<b>1,537</b>	1,606

**Note 7: Payables**

	2013 \$'000	2012 \$'000
<b>Note 7A: Suppliers</b>		
Trade creditors and accruals	2,954	5,480
Operating lease rentals	820	430
<b>Total supplier payables</b>	<u>3,774</u>	<u>5,910</u>

**Supplier payables expected to be settled within 12 months:**

External parties	2,956	5,483
<b>Total</b>	<u>2,956</u>	<u>5,483</u>

**Supplier payables expected to be settled in greater than 12 months:**

External parties	818	427
<b>Total</b>	<u>818</u>	<u>427</u>
<b>Total supplier payables</b>	<u>3,774</u>	<u>5,910</u>

Settlement is usually made within 30 days.

**Note 7B: Other Payables**

Salaries and wages	2,481	2,475
Superannuation	271	245
Separations and redundancies	1,239	461
Other	10	50
<b>Total other payables</b>	<u>4,001</u>	<u>3,231</u>

**Other payables are expected to be settled in:**

No more than 12 months	4,001	3,231
<b>Total other payables</b>	<u>4,001</u>	<u>3,231</u>

**Note 8: Provisions**

	2013 \$'000	2012 \$'000
<b>Note 8A: Employee Provisions</b>		
Leave	19,098	18,786
<b>Total employee provisions</b>	<b>19,098</b>	<b>18,786</b>
<b>Employee provisions are expected to be settled in:</b>		
No more than 12 months	15,551	15,164
More than 12 months	3,547	3,622
<b>Total employee provisions</b>	<b>19,098</b>	<b>18,786</b>
<b>Note 8B: Other Provisions</b>		
Provision for restoration obligations	1,998	1,930
<b>Total other provisions</b>	<b>1,998</b>	<b>1,930</b>
<b>Other provisions are expected to be settled in:</b>		
More than 12 months	998	1,930
<b>Total other provisions</b>	<b>1,998</b>	<b>1,930</b>
<b>Reconciliation of the Other Provisions Account:</b>		
	Provision for restoration \$'000	Total \$'000
<b>Carrying amount 1 July 2012</b>	<b>1,930</b>	<b>1,930</b>
<b>Additional provisions made</b>	<b>67</b>	<b>67</b>
<b>Closing balance 30 June 2013</b>	<b>1,998</b>	<b>1,998</b>

As indicated on the Schedule of Commitments, the ACMA currently has 4 major agreements for the leasing of premises which have provisions requiring the ACMA to restore the premises to their original condition at the conclusion of the lease. (2012: 4)

The ACMA revalues the restoration obligation each year using the market value of the obligation at reporting date.

**Note 9: Cash Flow Reconciliation**

	2013 \$'000	2012 \$'000
<b>Reconciliation of cash and cash equivalents as per Balance Sheet to Cash Flow Statement</b>		
<b>Cash and cash equivalents as per:</b>		
Cash flow statement	1,034	1,315
Balance sheet	1,035	1,315
<b>Difference</b>	<u>(1)</u>	-
<b>Reconciliation of net cost of services to net cash from operating activities:</b>		
Net cost of services	(109,647)	(111,144)
Add revenue from Government	99,271	103,526
<b>Adjustments for non-cash items</b>		
Depreciation / amortisation	7,388	6,344
Net write down of non-financial assets	(7)	110
Loss (Gain) on disposal of assets	16	-
<b>Changes in assets / liabilities</b>		
(Increase) / decrease in net receivables	4,895	(1,687)
(Increase) / decrease in prepayments	69	(332)
Increase / (decrease) in supplier payables	( 2,134)	242
Increase / (decrease) in other payable	770	431
Increase / (decrease) in employee provisions	312	2,722
Increase / (decrease) in other provisions	68	74
<b>Net cash used from operating activities</b>	<u>1,001</u>	<u>286</u>

**Note 10: Contingent Assets and Liabilities**

	Claims for damages or costs				Total 2012
	2013	2012	2013	2012	
	\$'000	\$'000	\$'000	\$'000	
<b>Contingent assets</b>					
Balance from previous period	-	-	-	-	-
New	-	-	-	-	-
Expired	-	-	-	-	-
<b>Total contingent assets</b>	-	-	-	-	-
<b>Contingent liabilities</b>					
Balance from previous period	-	-	-	-	-
New	-	-	-	-	-
Obligations expired	-	-	-	-	-
<b>Total contingent liabilities</b>	-	-	-	-	-
<b>Net contingent assets</b>	-	-	-	-	-

***Quantifiable Contingencies***

The Schedule of Contingencies reports contingent assets in respect of claims for damages for 2012/13 are \$ nil (2012: \$nil).

The Schedule also reports contingent liabilities in respect of claims for damages or cost for 2012/13 are \$ nil (2012: \$nil).

***Unquantifiable Contingencies***

At 30 June 2013, the ACMA is involved in a number of legal proceedings, mostly of an administrative law nature, although some involved civil proceedings or prosecutions actioned by the ACMA. It is not possible to estimate the amounts of any eventual payments that may be required in relation to these claims.

***Significant Remote Contingencies***

The ACMA has no remote contingencies as at 30 June 2013 (2012: nil ).

**Note 11: Senior Executive and Member's Remuneration****Note 11A: Senior Executive's Remuneration Expense for the Reporting Period**

	2013	2012
	\$	\$
<b>Short-term employee benefits:</b>		
Salary	4,262,481	4,665,656
Annual leave accrued	114,206	81,944
Performance bonuses	209,550	208,633
Other Allowances	510,879	546,750
<b>Total short-term employee benefits</b>	<u>5,097,116</u>	<u>5,502,983</u>
 <b>Post-employment benefits:</b>		
Superannuation	973,672	796,557
<b>Total post-employment benefits</b>	<u>973,672</u>	<u>796,557</u>
 <b>Other long-term benefits:</b>		
Long-service leave	140,724	103,558
<b>Total other long-term benefits</b>	<u>140,724</u>	<u>103,558</u>
 <b>Total</b>	<u><b>6,211,512</b></u>	<u><b>6,403,098</b></u>

**Notes:**

1. Note 11A was prepared on an accrual basis (so the performance bonus expenses disclosed above differ from the cash 'Bonus paid' in Note 11B).
2. Note 11A excludes acting arrangements and part-year service where remuneration expensed for a senior executive was less than \$180,000.
3. "Other" includes motor vehicles allowances and other allowances.

**Note 11B: Average Annual Reportable Remuneration Paid to Substantive Senior Executives During the Reporting Period**

**Average annual reportable remuneration to substantive senior executives in 2013**

Average annual reportable remuneration <sup>1</sup>	Substantive senior Executives No.	Reportable Salary <sup>2,6</sup> \$	Contributed superannuation <sup>3</sup> \$	Reportable allowances <sup>4</sup> \$	Bonus paid <sup>5</sup>	Total \$
<b>Total remuneration (including part-time arrangements):</b>						
Less than \$180,000	5	61,078	9,741	-	-	70,819
\$240,000 - \$269,999	11	200,204	36,479	-	17,405	254,088
\$270,000 - \$299,999	4	235,119	36,019	-	15,050	286,188
\$300,000 - \$329,999	3	245,495	46,575	142	20,385	312,557
\$330,000 - \$359,999	1	309,771	47,834	-	-	357,605
\$360,000 - \$409,999	1	199,728	175,593	-	11,069	386,380
\$480,000 - \$509,999	1	481,985	16,470	2,178	-	500,633
<b>Total</b>	<b>26</b>					

**Average annual reportable remuneration to substantive senior executives in 2012**

Average annual reportable remuneration <sup>1</sup>	Substantive senior Executives No.	Reportable Salary <sup>2,6</sup> \$	Contributed superannuation <sup>3</sup> \$	Reportable allowances <sup>4</sup> \$	Bonus paid <sup>5</sup>	Total \$
<b>Total remuneration (including part-time arrangements):</b>						
Less than \$180,000	5	53,691	12,790	89	3,920	70,490
\$180,000 - \$209,999	1	125,627	74,753	-	9,250	209,640
\$210,000 - \$239,999	9	167,240	48,141	-	12,005	227,386
\$240,000 - \$269,999	6	183,980	48,843	83	16,242	249,148
\$270,000 - \$299,999	4	222,467	54,465	213	6,860	284,035
\$300,000 - \$329,999	1	179,829	94,157	-	29,401	303,387
\$330,000 - \$359,999	1	280,910	57,850	-	-	338,760
\$440,000 - \$479,999	1	403,391	48,999	2,548	-	454,938
<b>Total</b>	<b>28</b>					

**Note 11B: Average Annual Reportable Remuneration Paid to Substantive Senior Executives During the Reporting Period**

**Notes:**

1. This table reports substantive senior executives who received remuneration during the reporting period. Each row is an averaged figure based on headcount for individuals in the band.
2. Reportable salary includes the following:
  - a) gross payments (less any bonuses paid which are separated and disclosed in the "bonus paid" column;
  - b) reportable fringe benefits (at the net amount prior to "grossing up" to account for tax benefits);
  - c) exempt foreign employment income; and
  - d) salary sacrificed benefits.
3. The 'contributed superannuation amount' is the average actual superannuation paid to substantive senior executives in that reportable remuneration band during the reporting period.
4. 'Reportable allowances' are the average actual allowances paid as per the 'total allowances' line on individuals' payment summaries.
5. 'Bonus paid' represents average actual bonuses paid during the reporting period in that reportable remuneration band. The 'bonus paid' within a particular band may vary between financial years due to various factors such as individuals commencing with or leaving the entity during the financial year.
6. Various salary sacrifice arrangements were available to senior executives including superannuation, motor vehicle and expense payment fringe benefits. Salary sacrifice benefits are reported in the 'reportable salary' column, excluding salary sacrificed superannuation, which is reported in the 'contributed superannuation' column.

**Note 11C: Other Highly Paid Staff**

During the reporting period, there were no employees whose salary plus performance bonus were \$180,000 or more. These employees did not have a role as senior executive and were, therefore, not disclosed as senior executives in Note 11A and Note 11B.

**Note 12: Remuneration of Auditors**

	2013 \$'000	2012 \$'000
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Financial statement audit services were provided free of charge to the ACMA by the Australian National Audit Office (ANAO)

**Fair value of the services provided:**

Financial statement audit services <sup>(1)</sup>	84	84
Other non audit services <sup>(2)</sup>	72	-
<b>Total</b>	<b>156</b>	<b>84</b>

(1) The ACMA's auditor is the Australian National Audit Office who has retained PriceWaterhouseCoopers (PwC) Australia to assist with the assignment.

(2) These services are performed by PriceWaterhouseCoopers (PwC) Australia which includes the economic analysis of the programming requirements on Australian Broadcasters.

**Note 13: Financial Instruments**

	2013 \$'000	2012 \$'000
<b>Note 13A: Categories of Financial Instruments</b>		
<b>Financial Assets</b>		
<b>Loans and receivables:</b>		
Cash and cash equivalents	1,035	1,315
Trade receivables (gross)	46	113
<b>Total</b>	<b>1,081</b>	<b>1,428</b>
<b>Carrying amount of financial assets</b>	<b>1,081</b>	<b>1,375</b>
<b>Financial Liabilities</b>		
<b>At amortised cost:</b>		
Trade payables	2,954	5,480
<b>Total</b>	<b>2,954</b>	<b>5,480</b>
<b>Carrying amount of financial liabilities</b>	<b>2,954</b>	<b>5,480</b>

**Note 13B: Net Income and Expense from Financial Assets**

Trade receivables are short term and non interest bearing. There is no income or expense from these assets.

**Note 13C: Fair Value of Financial Instruments**

All financial assets and liabilities are short term trade receivables and payables the carrying amounts of which are reasonable approximation of fair value.

**Note 13: Financial Instruments****Note 13D: Credit Risk**

The ACMA is exposed to minimal credit risk as financial assets are cash and trade receivables. The maximum exposure to credit risk is the risk that arises from potential default of a debtor. This amount is equal to the total amount of trade receivables (2013: \$46,000 and 2012: \$113,000). The ACMA has assessed the risk of the default on payment and has allocated \$,000 in (2012: \$53,000) to an impairment allowance account.

The ACMA manages its credit risk by restricting the provision of goods and services on credit to pre-approved credit clients only. Credit limits granted to approved clients are re-assessed at least annually to ensure that the ACMA is not exposed to unacceptable credit risk.

The ACMA holds no collateral to mitigate against credit risk.

**Credit quality of financial instruments not past due or individually determined as impaired**

	Not past due nor impaired 2013 \$'000	Not past due nor impaired 2012 \$'000	Past due or impaired 2013 \$'000	Past due or impaired 2012 \$'000
<b>Financial Assets</b>				
Cash and cash equivalents	1,035	1,315	-	-
Trade receivables	43	34	3	79
<b>Total</b>	<b>1,078</b>	<b>1,349</b>	<b>3</b>	<b>79</b>

**Ageing of financial assets that were past due but not impaired for 2013**

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
<b>Financial Assets</b>					
Trade receivables	3	-	-	-	3
<b>Total</b>	<b>3</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>3</b>

**Ageing of financial assets that were past due but not impaired for 2012**

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
<b>Financial Assets</b>					
Trade receivables	-	26	-	-	26
<b>Total</b>	<b>-</b>	<b>26</b>	<b>-</b>	<b>-</b>	<b>26</b>

**Note 13: Financial Instruments*****Note 13E: Liquidity Risk***

The ACMA's financial liabilities are trade payables. The exposure to liquidity risk is based on the notion that the ACMA will encounter difficulty in meeting its obligations associated with financial liabilities.

This is highly unlikely as the ACMA is appropriated funding from the Australian Government and the ACMA manages its budgeted funds to ensure it has adequate funds to meet payments as they fall due. In addition, the ACMA has policies in place to ensure timely payment are made when due and has no past experience of default.

**Maturities for non-derivative financial liabilities 2013**

	within 1 year \$'000	1 to 2 years \$'000	Total \$'000
<b>Financial Liabilities</b>			
Trade payables	2,954	-	2,954
<b>Total</b>	<b>2,954</b>	<b>-</b>	<b>2,954</b>

**Maturities for non-derivative financial liabilities 2012**

	within 1 year \$'000	1 to 2 years \$'000	Total \$'000
<b>Financial Liabilities</b>			
Trade payables	5,480	-	5,480
<b>Total</b>	<b>5,480</b>	<b>-</b>	<b>5,480</b>

The ACMA has no derivative financial liabilities in both the current and prior financial year.

***Note 13F: Market Risk***

The ACMA holds basic financial instruments that do not expose the ACMA to certain market risks including currency risk, other price risk and interest rate risk.

**Note 14: Financial Assets Reconciliation**

	Notes	2013 \$'000	2012 \$'000
<b>Financial assets</b>			
<b>Total financial assets as per balance sheet</b>		<b>22,659</b>	30,019
Less: non-financial instrument components:			
Appropriations receivable	<u>5B</u>	<b>20,904</b>	27,399
Other receivables	<u>5B</u>	<b>674</b>	1,245
Total non-financial instrument components		<b>21,578</b>	28,644
<b>Total financial assets as per financial instruments note</b>	<u>13A</u>	<b>1,081</b>	1,375

**Note 15: Administered - Expenses**

	2013 \$'000	2012 \$'000
<b>EXPENSES</b>		
<b><i>Note 15A: Suppliers</i></b>		
Consultants	-	531
<b>Total goods and services</b>	<hr/> -	<hr/> 531
<b>Goods and services are made up of:</b>		
Rendering of services – external parties	-	531
<b>Total goods and services</b>	<hr/> -	<hr/> 531
<b>Total suppliers expenses</b>	<hr/> -	<hr/> 531
<b><i>Note 15B: Subsidies</i></b>		
Payable to external parties	145,274	161,046
<b>Total subsidies</b>	<hr/> 145,274	<hr/> 161,046
<b><i>Note 15C: Write-Down and Impairment of Assets</i></b>		
Asset write-downs and impairments from:		
Impairment on financial instruments	238	363
<b>Total write-down and impairment of assets</b>	<hr/> 238	<hr/> 363

**Note 16: Administered - Income**

	2013 \$'000	2012 \$'000
<b>OWN-SOURCE REVENUE</b>		
<b>Taxation Revenue</b>		
<b><i>Note 16A: Other Taxes</i></b>		
Broadcasting licence fees	167,386	231,191
Radiocommunications taxes	118,988	146,048
Telecommunication numbering charges	60,000	60,000
<b>Total other taxes</b>	<b>346,374</b>	<b>437,239</b>
<b>Non-Taxation Revenue</b>		
<b><i>Note 16B: Sale of Goods and Rendering of Services</i></b>		
Rendering of services – external parties	4,083	3,213
<b>Total sale of goods and rendering services</b>	<b>4,083</b>	<b>3,213</b>
<b><i>Note 16C: Fees and Fines</i></b>		
Licence fees (excluding broadcasting)	42,328	41,125
Fines and Penalties	559	332
<b>Total fees and fines</b>	<b>42,887</b>	<b>41,457</b>
<b><i>Note 16D: Other Revenue</i></b>		
Industry contributions	145,325	160,904
<b>Total other revenue</b>	<b>145,325</b>	<b>160,904</b>
<b>GAINS</b>		
<b><i>Note 16E: Sale of Assets</i></b>		
<b>Intangibles:</b>		
Proceeds from sale	1,483,377	3,562
<b>Total net gain from sale of assets</b>	<b>1,483,377</b>	<b>3,562</b>

**Note 17: Administered- Financial Assets**

	2013 \$'000	2012 \$'000
<b>FINANCIAL ASSETS</b>		
<b><i>Note 17A: Cash and Cash Equivalents</i></b>		
Special accounts	89	320
Cash on hand or on deposit	67	57
<b>Total cash and cash equivalents</b>	<b>156</b>	<b>377</b>
<b><i>Note 17B: Taxation Receivables</i></b>		
Other taxes	174,378	208,521
<b>Total taxation receivables (gross)</b>	<b>174,378</b>	<b>208,521</b>
Less: impairment allowance account		
Other taxes	58	976
<b>Total taxation receivables (net)</b>	<b>174,320</b>	<b>207,545</b>
Receivables are expected to be recovered in:		
No more than 12 months	174,320	207,545
<b>Total trade and other receivables (net)</b>	<b>174,320</b>	<b>207,545</b>
Taxation receivables were aged as follows:		
Not overdue	173,744	180,646
Overdue by:		
0 to 30 days	89	251
31 to 60 days	487	26,639
61 to 90 days	-	9
More than 90 days	58	976
<b>Total taxation receivables (gross)</b>	<b>174,378</b>	<b>208,521</b>
The impairment allowance account is aged as follows:		
Not overdue	-	-
Overdue by:		
0 to 30 days	-	-
31 to 60 days	-	-
61 to 90 days	-	-
More than 90 days	58	976
<b>Total impairment allowance account</b>	<b>58</b>	<b>976</b>

**Note 17: Administered- Financial Assets**

	2013 \$'000	2012 \$'000
<b>Note 17C: Receivables</b>		
<b>Goods and services:</b>		
Goods and services receivable - external parties	69	659
<b>Total receivables for goods and services</b>	<b>69</b>	<b>659</b>
 <b>Other receivables:</b>		
Fees, charges and other revenues	39,062	45,126
Fines	-	19,741
GST receivable from Australian Taxation Office	-	365
<b>Total other receivables</b>	<b>39,062</b>	<b>65,232</b>
<b>Total receivables (gross)</b>	<b>39,131</b>	<b>65,891</b>
Less: impairment allowance account		
Other receivables	137	26,796
<b>Total receivables (net)</b>	<b>38,994</b>	<b>39,095</b>
 Receivables are expected to be recovered in:		
No more than 12 months	38,994	39,095
<b>Total trade and other receivables (net)</b>	<b>38,994</b>	<b>39,095</b>
 Receivables were aged as follows:		
Not overdue	1	20,107
Overdue by:		
0 to 30 days	38,958	18,822
31 to 60 days	47	128
61 to 90 days	25	38
More than 90 days	100	26,796
<b>Total receivables (gross)</b>	<b>39,131</b>	<b>65,891</b>
 The impairment allowance account is aged as follows:		
Not overdue	37	-
Overdue by:		
0 to 30 days	-	-
31 to 60 days	-	-
61 to 90 days	-	-
More than 90 days	100	26,796
<b>Total impairment allowance account</b>	<b>137</b>	<b>26,796</b>
 Goods and services receivables are with entities external to the Australian Government. Credit terms granted to receivables vary dependant on legislation.		

**Note 17: Administered- Financial Assets**

**Reconciliation of the Impairment Allowance Account:**

**Movements in relation to 2013**

	Taxation receivables \$'000	Other receivables \$'000	Total \$'000
<b>Opening balance</b>	976	26,796	27,772
Amounts written off	(956)	(26,860)	(27,816)
Increase/(decrease) recognised in net surplus	38	201	239
<b>Closing balance</b>	58	137	195

**Movements in relation to 2012**

	Taxation receivables \$'000	Other receivables \$'000	Total \$'000
<b>Opening balance</b>	949	26,784	27,733
Amounts written off	(100)	(224)	(324)
Increase/(decrease) recognised in net surplus	127	236	363
<b>Closing balance</b>	976	26,796	27,772

**Note 17D: Other Financial Assets**

Accrued Revenues	453	-
<b>Total other financial assets</b>	<b>453</b>	<b>-</b>

Other financial assets are expected to be recovered in:

No more than 12 months	-	
More than 12 months	453	-
<b>Total other financial assets</b>	<b>453</b>	<b>-</b>

**Note 18: Administered - Payables**

	2013 \$'000	2012 \$'000
<b>Note 18A: Subsidies</b>		
Payable to external entities	-	83
<b>Total subsidies</b>	<b>-</b>	<b>83</b>
Subsidies are expected to be settled in:		
No more than 12 months	-	83
<b>Total subsidies</b>	<b>-</b>	<b>83</b>
<b>Note 18B: Other Payables</b>		
Prepayments received/unearned income	60,702	5,124
Other	1,742	1,316
<b>Total other payables</b>	<b>62,444</b>	<b>6,440</b>
Other payables are expected to be settled in:		
No more than 12 months	62,444	6,440
<b>Total other payables</b>	<b>62,444</b>	<b>6,440</b>

**Note 19: Administered - Cash Flow Reconciliation**

	2013 \$'000	2012 \$'000
<b>Reconciliation of cash and cash equivalents as per Administered Schedule of Assets and Liabilities to Administered Cash Flow Statement</b>		
<b>Cash and cash equivalents as per:</b>		
Schedule of administered cash flows	156	377
Schedule of administered assets and liabilities	<u>156</u>	<u>377</u>
<b>Difference</b>	<u>-</u>	<u>-</u>
<b>Reconciliation of net cost of services to net cash from operating activities:</b>		
Net cost of services	1,876,534	484,435
<b>Adjustments for non-cash items</b>		
Gain on disposal of assets	(1,483,377)	(3,562)
<b>Changes in assets / liabilities</b>		
(Increase) / decrease in net receivables	33,327	(49,808)
(Increase) / decrease in other financial assets	(453)	-
Increase / (decrease) in subsidies payables	(83)	78
Increase / (decrease) in other payable	<u>56,189</u>	<u>2,718</u>
<b>Net cash from (used by) operating activities</b>	<u>482,137</u>	<u>433,861</u>

**Note 20: Administered - Contingent Assets and Liabilities*****Quantifiable Assets and Liabilities***

The ACMA has no contingent assets nor liabilities as at 30 June 2013 (2012: nil)

***Unquantifiable Contingencies***

The ACMA has no unquantifiable contingencies as at 30 June 2013 (2012: nil).

***Significant Remote Contingencies***

The ACMA has no remote contingencies as at 30 June 2013 (2012: nil).

**Note 21: Administered - Financial Instruments**

	2013 \$'000	2012 \$'000
<b>Note 21A: Categories of Financial Instruments</b>		
<b>Loans and receivables:</b>		
Cash and cash equivalents	156	377
Goods and services receivables	69	659
Fees, charges and other revenue receivables	<u>39,062</u>	<u>45,126</u>
<b>Total</b>	<u>39,287</u>	<u>46,162</u>
<b>Carrying amount of financial assets</b>	<u>39,150</u>	<u>19,366</u>
<b>Financial Liabilities</b>		
At amortised cost:		
Subsidies payable	-	83
<b>Total</b>	<u>-</u>	<u>83</u>
<b>Carrying amount of financial liabilities</b>	<u>-</u>	<u>83</u>

**Note 21B: Net Income and Expense from Financial Assets**

All loans and receivables are short term and non interest bearing. There is no income or expense from these assets (2012: nil)

**Note 21C: Net Income and Expense from Financial Liabilities**

All financial liabilities are short term and non interest bearing. There is no income or expense from financial liabilities (2012: nil)

**Note 21D: Fair Value of Financial Instruments**

All financial assets and liabilities are short term trade receivables and payables the carrying amounts of which are reasonable approximation of fair value.

**Note 21: Administered - Financial Instruments**

**Note 21E: Credit Risk**

The ACMA is exposed to minimal credit risk as loans and receivables are cash and trade receivables. The maximum exposure to credit risk is the risk that arises from potential default of a debtor. This amount is equal to the total amount of trade receivables (2013: \$39,131,000 and 2012: \$45,785,000). The ACMA has assessed the risk of the default on payment and has allocated \$195,000 in 2013 (2012: \$27,772,000) to an impairment allowance account.

The ACMA manages its credit risk by restricting the provision of goods and services on credit to pre-approved credit clients only. Credit limits granted to approved clients are re-assessed at least annually to ensure that the ACMA is not exposed to unacceptable credit risk.

The ACMA holds no collateral to mitigate against credit risk.

**Credit quality of financial instruments not past due or individually determined as impaired**

	Not past due nor impaired	Not past due nor impaired	Past due or impaired	Past due or impaired
	2013	2012	2013	2012
	\$'000	\$'000	\$'000	\$'000
<b>Loans and receivables</b>				
Cash and cash equivalents	156	377	-	-
Other receivables	1	1	39,130	45,784
<b>Total</b>	<b>157</b>	<b>378</b>	<b>39,130</b>	<b>45,784</b>

**Ageing of financial assets that were past due but not impaired for 2013**

	0 to 30 days	31 to 60 days	61 to 90 days	90+ days	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Loans and receivables</b>					
Other receivables	38,958	47	25	-	39,030
<b>Total</b>	<b>38,958</b>	<b>47</b>	<b>25</b>	<b>-</b>	<b>39,030</b>

**Ageing of financial assets that were past due but not impaired for 2012**

	0 to 30 days	31 to 60 days	61 to 90 days	90+ days	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Loans and receivables</b>					
Other receivables	18,822	128	38	-	18,988
<b>Total</b>	<b>18,822</b>	<b>128</b>	<b>38</b>	<b>-</b>	<b>18,988</b>

**Note 21: Administered - Financial Instruments****Note 21F: Liquidity Risk**

The ACMA's financial liabilities are payables. The exposure to liquidity risk is based on the notion that the ACMA will encounter difficulty in meeting its obligations associated with financial liabilities.

This is highly unlikely as the ACMA is appropriated funding from the Australian Government and the ACMA manages its budgeted funds to ensure it has adequate funds to meet payments as they fall due. In addition, the ACMA has policies in place to ensure timely payments are made when due and has no past experience of default.

**Maturities for non-derivative financial liabilities 2013**

	within 1 year \$'000	1 to 2 years \$'000	Total \$'000
<b>Other Liabilities</b>			
Subsidies Payable	-	-	-
<b>Total</b>	-	-	-

**Maturities for non-derivative financial liabilities 2012**

	within 1 year \$'000	1 to 2 years \$'000	Total \$'000
<b>Other Liabilities</b>			
Subsidies Payable	83	-	83
<b>Total</b>	83	-	83

The ACMA has no derivative financial liabilities in both the current and prior financial year.

**Note 21G: Market Risk**

The ACMA holds basic financial instruments that are non-interest bearing and have no exposure to market risks.

**Note 22: Administered - Financial Assets Reconciliation**

	2013 \$'000	2012 \$'000
<b>Financial assets</b>		<b>Notes</b>
<b>Total financial assets as per schedule of administered assets and liabilities</b>	<b>213,923</b>	247,017
Less: non-financial instrument components		
taxation receivables	174,320	207,545
Goods and Services	-	20,106
Other financial assets	453	
Total non-financial instrument components	<u>174,773</u>	<u>227,651</u>
<b>Total financial assets as per financial instruments note</b>	<u>21A</u>	<u>39,150</u>
		19,366

**Note 23: Appropriations**

**Table A: Annual Appropriations (‘Recoverable GST exclusive’)**

	2013 Appropriations			Appropriation applied in 2013 (current and prior years) \$'000	Variance \$'000
	Appropriation Act Annual Appropriation \$'000	Appropriations reduced <sup>(1)</sup> \$'000	FMIA Act Section 31 \$'000		
<b>DEPARTMENTAL</b>					
Ordinary annual services	107,087	-	2,257	109,344	(115,839)
Other services	350	-	350	(350)	
Equity					
<b>Total departmental</b>	<b>107,437</b>	<b>-</b>	<b>2,257</b>	<b>109,694</b>	<b>(116,189)</b>

**Notes:**

(1) Appropriations reduced under Appropriations Acts (Nos 1, 3 & 5) 2012-13 section 10, 11 and 12 and under Appropriation Acts (Nos 2, 4 & 6) 2012-13: sections 12, 13, 14. Departmental appropriations do not lapse at financial year end. The reduction in the appropriation is effected by the Finance Minister's determination and is disallowable by Parliament. The Finance Minister determined no reduction in departmental appropriation in 2012-13. On 5 August 2013, the Finance Minister's determined a reduction in departmental appropriations, a request by Department of Prime Minister and Cabinet and Department of Finance. The Instrument to Reduce Appropriations (No. 1 of 2013-14) reduces Appropriation Act (No. 1) by \$256,000.

(2) The overspend of \$6,495M ordinary appropriations is due to this year's purchase of assets funded from prior year's DCB appropriations.

	2012 Appropriations			Appropriation applied in 2011 (current and prior years) \$'000	Variance \$'000
	Appropriation Act Annual Appropriation \$'000	Appropriations reduced <sup>(1)</sup> \$'000	FMIA Act Section 31 \$'000		
<b>DEPARTMENTAL</b>					
Ordinary annual services	112,117	-	1,263	113,380	(116,349)
Other services	150	-	150	150	(150)
Equity					
<b>Total departmental</b>	<b>112,267</b>	<b>-</b>	<b>1,263</b>	<b>113,530</b>	<b>(116,499)</b>

**Notes:**

(1) Departmental appropriations do not lapse at financial year-end, prior year appropriations are utilised before the current year's appropriations.

(2) The overspend of \$2.97M ordinary appropriations was due to this year's purchase of assets funded from prior year's DCB appropriations.

**Note 23: Appropriations**

**Table B: Departmental and Administered Capital Budgets ('Recoverable GST exclusive')**

	2013 Capital Budget Appropriations			Capital Budget Appropriations applied in 2013 (current and prior years)		
	Appropriation Act <sup>1</sup>	Total Capital Budget Appropriations \$'000	Payments for non-financial assets <sup>2</sup> \$'000	Total payments \$'000	Variance <sup>3</sup> \$'000	
<b>DEPARTMENTAL</b>						
Ordinary annual services - Departmental Capital Budget <sup>1</sup>		7,816	7,816	(11,283)	(3,467)	

**Notes:**

1. Departmental and Administered Capital Budgets are appropriated through Appropriation Acts (No.1,3,5). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts. For more information on ordinary annual services appropriations, please see Table A: Annual appropriations.
2. Payments made on non-financial assets include purchases of assets, expenditure on assets which has been capitalised, costs incurred to make good an asset to its original condition, and the capital repayment component of finance leases.
3. The overspend of \$3.5M DCB appropriations is due to this year's purchase of assets funded from prior year's DCB appropriations.

	2012 Capital Budget Appropriations			Capital Budget Appropriations applied in 2012 (current and prior years)		
	Appropriation Act <sup>1</sup>	Total Capital Budget Appropriations \$'000	Payments for non-financial assets <sup>2</sup> \$'000	Total payments \$'000	Variance <sup>3</sup> \$'000	
<b>DEPARTMENTAL</b>						
Ordinary annual services - Departmental Capital Budget <sup>1</sup>		8,591	8,591	(13,299)	(4,708)	

**Notes:**

1. Departmental and Administered Capital Budgets are appropriated through Appropriation Acts (No.1,3,5). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts. For more information on ordinary annual services appropriations, please see Table A: Annual appropriations.
2. Payments made on non-financial assets include purchases of assets, expenditure on assets which has been capitalised, costs incurred to make good an asset to its original condition, and the capital repayment component of finance leases.
3. The overspend of \$4.7M DCB appropriations is due to this year's purchase of assets funded from prior year's DCB appropriations.

**Note 23: Appropriations**

**Table C: Unspent Departmental Annual Appropriations ('Recoverable GST exclusive')**

Authority	2013 \$'000	2012 \$'000
Appropriation Act (No. 1) 2009-2010 as passed	-	311
Appropriation Act (No. 1) 2010-2011 as passed	9,491	4,397
Appropriation Act (No. 1) 2011-2012 as passed	-	12,700
Appropriation Act (No. 1) 2012-2013 as passed	3,607	-
Appropriation Act (No. 1) 2010-2011 as passed - Capital Budget	-	9,031
Appropriation Act (No. 1) 2012-2013 as passed - Capital Budget	7,806	-
Appropriation Act (No. 2) 2009-2010 as passed (Non operating (Equity))	-	-
Appropriation Act (No. 2) 2010-2011 as passed (Non operating (Equity))	-	960
<b>Total</b>	<b>20,904</b>	<b>27,399</b>

**Table D: Special Appropriations ('Recoverable GST exclusive')**

Authority	Type	Appropriation applied 2013 \$'000	Appropriation applied 2012 \$'000
Financial Management and Accountability Act 1997 s28, Administered	Refund	198,651	2,965
Telecommunications Act 1997- s136C(4)	Limited amount	353	210
<b>Total</b>		<b>199,004</b>	<b>3,175</b>

#### **Note 24: Special Accounts and FMA Act Section 39 Investments**

Section 83 of the Constitution provides that no amount may be paid out of the Consolidated Revenue Fund except under an appropriation made by law. The Department of Finance and Deregulation provided information to all agencies in 2011 regarding the need for risk assessments in relation to compliance with statutory conditions on payments from special appropriations, including special accounts.

As at 30 June 2012 a review had been completed by the ACMA in respect of all appropriations with statutory conditions for payment. This review identified no issues of non-compliance with Section 83 of the Constitution.

During 2012-13 additional legal advice was received from Australian Government Solicitor (AGS) that indicated that there may be breaches of Section 83 of the Constitution under certain circumstances concerning the payment of long service leave, goods and services tax and payments under determinations of the Remuneration Tribunal. The Australian Communication and Media Authority (ACMA) will keep its processes and controls over these payments under review to minimise the possibility of future breaches. The initial ACMA review has determined that there is a low risk of the certain circumstances listed in the legal advice applying to the agency, and that it is not aware of any specific breaches of Section 83 in respect to these items.

**Note 24: Special Accounts and FMA Act Section 39 Investments**

**Note 24A: Special Accounts (Recoverable GST exclusive)**

	Universal Service Account (USO) <sup>1</sup>	National Relay Service (NRS) <sup>2</sup>	Services for Other Entities and Trust Money <sup>3</sup>
	2013 \$'000	2012 \$'000	2013 \$'000
<b>Balance brought forward from previous period</b>	<b>64</b>	<b>166</b>	<b>-</b>
<b>Increases:</b>			
Appropriation credited to special account	5,301	5,780	19
Other receipts	58,642	57,698	197
<b>Total increases</b>	<b>63,943</b>	<b>63,478</b>	<b>216</b>
<b>Available for payments</b>	<b>64,007</b>	<b>63,644</b>	<b>216</b>
<b>Decreases:</b>			
Payments made to suppliers	(63,988)	(63,580)	(216)
Balance transferred to CRF on abolishment of OTM account	-	-	-
<b>Total decrease</b>	<b>(63,988)</b>	<b>(63,580)</b>	<b>(216)</b>
<b>Total balance carried to the next period</b>	<b>19</b>	<b>64</b>	<b>-</b>

1. Appropriation: *Financial Management and Accountability Act 1997 section 21*.

Establishing Instrument: *Telecommunications (Consumer Protection and Service Standards) Act 1999, Division 14, Section 21(2)*.

Purpose: *The above account is used for the collection of USO levy from telecommunications providers and making payments to the USO provider.*

2. Appropriation: *Financial Management and Accountability Act 1997 section 21*.

Establishing Instrument: *Telecommunications (Consumer Protection and Service Standards) Act 1999, Division 14, Section 10(2)*.

Purpose: *The above account is used for the collection of the NRS Levy from telecommunications providers and making payments to the NRS providers.*

3. Appropriation: *Financial Management and Accountability Act 1997 section 21*.

Establishing Instrument: *Financial Management Act 1962; s600*

Purpose: *Monies held on trust for or for the benefit of a person other than the Commonwealth.*

**Note 25: Compensation and Debt Relief**

	2013	2012
	\$	\$
<b>Departmental</b>		
No 'Act of Grace' expenses were incurred during the reporting period (2012: No payments made).	-	-
No above expenses were paid on a periodic basis (2012: No above expenses paid on a periodic basis).	-	-
No waivers of amounts owing to the Australian Government were made pursuant to subsection 34(1) of the Financial Management and Accountability Act 1997 (2012: No waiver made).	-	-
No payments were provided under the Compensation for Detriment caused by Defective Administration (CDDA) Scheme during the reporting period (2012: No payments made).	-	-
No payments were provided under the Compensation for Detriment caused by Defective Administration (CDDA) Scheme during the reporting period (2012: No payments made).	-	-
No payments were provided in special circumstances relating to APS employment pursuant to section 73 of the Public Service Act 1999 (PS Act) during the reporting period (2012: No payments made).	-	-
<b>Administered</b>		
No 'Act of Grace' expenses were incurred during the reporting period. (2012: No payments made).	-	-
No above expenses were paid on a periodic basis (2012: No above expenses paid on a periodic basis).	-	-
No waivers of amounts owing to the Australian Government were made pursuant to subsection 34(1) of the Financial Management and Accountability Act 1997 (2012: No waiver made).	-	-
No payments were provided under the Compensation for Detriment caused by Defective Administration (CDDA) Scheme during the reporting period (2012: No payment made).	-	-
No payments were provided under the Compensation for Detriment caused by Defective Administration (CDDA) Scheme during the reporting period (2012: No payments made).	-	-
No ex-gratia payments were provided for during the reporting period (2012: No payments)	-	-
No payments were provided in special circumstances relating to APS employment pursuant to section 73 of the Public Service Act 1999 (PS Act) during the reporting period (2012: No payments made).	-	-

**Note 26: Reporting of Outcome****Note 26A: Net Cost of Outcome Delivery**

	<b>Outcome 1</b>	
	2013 \$'000	2012 \$'000
<b>Departmental</b>		
Expenses	(111,252)	(112,769)
Own-source income	1,605	1,625
<b>Administered</b>		
Expenses	(145,512)	(161,940)
Own-source income	2,022,046	646,375
<b>Net contribution to outcome delivery</b>	<b>1,766,887</b>	<b>373,291</b>

**Note 26B: Major Classes of Departmental Expense, Income, Assets and Liabilities by**

	<b>Outcome 1</b>	
	2013 \$'000	2012 \$'000
<b>Expenses</b>		
Employee Benefits	71,467	71,270
Suppliers	32,388	35,045
Depreciation and amortisation	7,388	6,344
Write-down and impairments of assets	9	110
<b>Total</b>	<b>111,252</b>	<b>112,769</b>
<b>Income</b>		
Revenue from government	99,271	103,526
Sale of goods and rendering services	301	486
Other Revenue	1,220	1,055
Other gains	84	84
<b>Total</b>	<b>100,876</b>	<b>105,151</b>
<b>Assets</b>		
Cash and cash equivalents	1,035	1,315
Trade and other receivables	21,624	28,704
Land and buildings	12,378	13,457
Infrastructure, plant and equipment	8,365	7,139
Intangibles	24,587	20,131
Other non-financial assets	1,537	1,606
<b>Total</b>	<b>69,526</b>	<b>72,352</b>
<b>Liabilities</b>		
Suppliers	3,774	5,910
Other payables	4,001	3,231
Employee provisions	19,098	18,786
Other provisions	1,998	1,930
<b>Total</b>	<b>28,871</b>	<b>29,857</b>

**Note 26: Reporting of Outcome****Note 26C: Major Classes of Administered Expenses, Income, Assets and Liabilities by Outcome**

	<b>Outcome 1</b>	
	<b>2013</b>	<b>2012</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>Expenses</b>		
Suppliers	-	531
Subsidies	145,274	161,046
Write-down and impairments of assets	238	363
<b>Total</b>	<b>145,512</b>	<b>161,940</b>
<b>Income</b>		
Other Taxes	346,374	437,239
Sale of goods and rendering services	4,083	3,213
Fees and fines	42,887	41,457
Other non-taxation revenue	145,325	160,904
Sale of assets	1,483,377	3,562
<b>Total</b>	<b>2,022,046</b>	<b>646,375</b>
<b>Assets</b>		
Cash and cash equivalents	156	377
Taxation receivables	174,320	207,545
Receivables	38,994	39,095
<b>Total</b>	<b>213,470</b>	<b>247,017</b>
<b>Liabilities</b>		
Subsidies	-	83
Other payables	62,444	6,440
<b>Total</b>	<b>62,444</b>	<b>6,523</b>

**Note 27: Competitive Neutrality and Cost Recovery**

	2013 \$'000	2012 \$'000
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**Note 27A: Receipts Subject to Cost Recovery Policy****Significant cost recovery arrangements**

Fees for industry number allocation	1,110	960
Other services	411	581
<b>Total receipts subject to cost recovery policy</b>	<b>1,521</b>	<b>1,541</b>

**Note 27B: Administered Receipts Subject to Cost Recovery Policy****Significant cost recovery arrangements**

Annual Carrier Licence Charge	38,885	38,054
Do Not Call Register	3,614	2,896
Radio and Telecommunications Licences	3,852	3,388
<b>Total administered receipts subject to Cost Recovery Policy</b>	<b>46,351</b>	<b>44,338</b>

**Note 28: Net Cash Appropriation Arrangements**

	2013 \$'000	2012 \$'000
<b>Total comprehensive income less depreciation/amortisation expenses previously funded through revenue appropriations<sup>1</sup></b>	(2,617)	(1,849)
Plus: depreciation/amortisation expenses previously funded through revenue appropriation	<u>(7,388)</u>	<u>(6,344)</u>
<b>Total comprehensive income (loss) - as per the Statement of Comprehensive Income</b>	<b><u>(10,005)</u></b>	<b><u>(8,193)</u></b>

1. From 2010-11, the Government introduced net cash appropriation arrangements, where revenue appropriations for depreciation/amortisation expenses ceased. Entities now receive a separate capital budget provided through equity appropriations. Capital budgets are to be appropriated in the period when cash payment for capital expenditure is required.

# Glossary

<b>3G</b>	<b>Third generation mobile telecommunications</b> Mobile telecommunications systems that can provide global mobile communications and support multimedia applications.
<b>3.5G/4G</b>	Enhancements to mobile telecommunications systems that increase the usable data rate to allow the delivery of data-intensive applications such as high resolution video.
<b>ABA</b>	<b>Australian Broadcasting Authority</b> Former Commonwealth regulatory authority responsible for broadcasting.
<b>ABC</b>	<b>Australian Broadcasting Corporation</b> Free-to-air national broadcaster of ABC radio and television channels, as well as the internet services ABC Online, ABC Broadband and DIG internet radio. The ABC is funded by the Australian Government.
<b>ABS</b>	<b>Australian Bureau of Statistics</b> Australia's official statistical organisation serving government, business and the general population.
<b>ACA</b>	<b>Australian Communications Authority</b> Former Commonwealth regulatory authority responsible for radiocommunications and telecommunications.
<b>ACCC</b>	<b>Australian Competition and Consumer Commission</b> Commonwealth regulatory body with responsibilities derived from the <i>Trade Practices Act 1974</i> .
<b>ACE</b>	<b>Australian Communication Exchange</b> Current National Relay Service provider and emergency call person for the text-based emergency call service.
<b>ACMA</b>	<b>Australian Communications and Media Authority</b> Commonwealth regulatory authority for broadcasting, online content, radiocommunications and telecommunications, with responsibilities under the <i>Broadcasting Services Act 1992</i> , the <i>Radiocommunications Act 1992</i> , the <i>Telecommunications Act 1997</i> and related Acts. Established on 1 July 2005 following a merger of the Australian Communications Authority and the Australian Broadcasting Authority.
<b>ADSL2+</b>	Version of ADSL that uses double the bandwidth for downstream data transmission, effectively doubling maximum downstream data rates.
<b>AISI</b>	<b>Australian Internet Security Initiative</b> An initiative developed by the ACMA that provides daily reports to Australian ISPs identifying recent instances of 'compromised' (infected) IP addresses on their networks.
<b>ANAO</b>	<b>Australian National Audit Office</b> Office responsible for financial and performance audits of Commonwealth departments and authorities.
<b>ANC</b>	<b>Annual Numbering Charges</b>
<b>ARPANSA</b>	<b>Australian Radiation Protection and Nuclear Safety Agency</b> Commonwealth regulatory and research agency responsible for protecting people and the environment from the harmful effects of ionising and non-ionising radiation.
<b>Associated Newspaper Register</b>	A public register of newspapers 'associated' with commercial radio or commercial television broadcasting licence areas.
<b>ASTRA</b>	<b>Australian Subscription Television and Radio Association</b> Industry body for subscription television, radio broadcasters and narrowcasters, responsible for developing and reviewing industry codes of practice, in consultation with the ACMA.

<b>bandwidth</b>	In the internet industry, bandwidth refers to the capacity of a connection to carry information, while in radiocommunications, it is the amount of radiofrequency spectrum used for a particular function.
<b>broadband</b>	Describes a class of internet access technologies, such as ADSL, HFC cable and Wi-Fi, offering a data rate significantly higher than narrowband services. These services are usually 'always on' and do not tie up a telephone line exclusively for data.
<b>BSB</b>	<b>broadcasting services bands</b> Parts of the radiofrequency spectrum dedicated to broadcasting services.
<b>carrier</b>	The holder of a telecommunications carrier licence in force under the <i>Telecommunications Act 1997</i> .
<b>CCF</b>	<b>Consumer Consultative Forum</b> Assists the ACMA to perform its functions relating to consumers.
<b>CDMA</b>	<b>code division multiple access</b> Digital coding technique used primarily for mobile telecommunications and satellite services, employing a bandwidth much larger than the original signal. Each signal is uniquely encoded and decoded, allowing many signals to occupy the same spectrum.
<b>Communications Alliance</b>	Australia's peak communications industry organisation that promotes the growth of the Australian communications industry and the protection of consumer interests.
<b>coverage area</b>	Geographic area in which calls are able to be made successfully. For instance, the area between a base station and a mobile phone handset.
<b>CPRs</b>	<b>cabling provider rules</b> Rules to support telecommunications cabling industry self-regulation.
<b>CSER</b>	<b>Communications Security and Enforcement Roundtable</b> A forum that deals with communications, law enforcement, regulatory and operational matters. CSER replaced the Law Enforcement Advisory Committee (LEAC).
<b>CSG</b>	<b>Customer Service Guarantee</b> Standard covering provision of the standard telephone service that provides for financial compensation to customers if the requirements in the standard are not met. The new CSG Standard came into effect from 30 June 2000, replacing the original 1998 standard, and was amended in 2004.
<b>CSP</b>	<b>carriage service provider</b> Person supplying or proposing to supply services to the public using carrier networks.
<b>CTS</b>	<b>Children's Television Standards</b> Standards designed to provide access for children (aged <14 years) to quality television programs made specifically for them. The standards regulate timing and scheduling of children's programs and content of adjacent programming.
<b>DAB</b>	<b>Digital Audio Broadcasting</b> A digital radio technology for broadcasting radio stations.
<b>datacasting</b>	A service that delivers content in the form of text, data, speech, music or other sounds, visual images, or any other form or combinations of forms, where delivery uses the BSB.
<b>DBCDE</b>	<b>Department of Broadband, Communications and the Digital Economy</b> Commonwealth department that provides policy advice and program support to the Australian Government on information technology and communications portfolio issues.
<b>DNCR</b>	<b>Do Not Call Register</b> An Australian Government program administered by the ACMA to allow Australian numbers to be registered to opt out of receiving most unsolicited marketing calls or faxes (with limited exemptions for public interest organisations).
<b>ECSAC</b>	<b>Emergency Call Service Advisory Committee</b> Formerly the Emergency Services Advisory Committee. Advises on emergency services matters.
<b>EMC</b>	<b>electromagnetic compatibility</b> Ability of an electrical or electronic device or system to function satisfactorily without causing electromagnetic interference to other devices.
<b>EME</b>	<b>electromagnetic energy</b> Energy of electric and magnetic field components of a radio wave.
<b>ENUM</b>	<b>Electronic NUMbering</b> A protocol that translates numbers into a format that can be recognised by the internet system, and enables the linking of telephone numbers or internet addresses with communications services such as email, facsimile transmission and mobile telephony.
<b>ESNA</b>	<b>e-security National Agenda</b> Established by the Australian Government to strengthen the electronic operating environment for business, home users and government agencies.

<b>ESO</b>	<b>Emergency Service Organisation</b> Organisation providing an emergency service, such as police, ambulance or fire brigade.
<b>fixed-line telephone service</b>	A term used to describe the delivery of voice services over the PSTN network. Does not typically refer to VoIP phone services.
<b>FLRN</b>	<b>freephone and local rate number</b> Telephone numbers commencing with the digits 180 (freephone) and 13 (local rate).
<b>FOI Act</b>	<b>Freedom of Information Act 1982</b> Legislation dealing with access by the general public to information gathered and held by Commonwealth agencies.
<b>Free TV Australia</b>	Industry body responsible for developing and reviewing the Commercial Television Industry Code of Practice.
<b>GHz</b>	<b>gigahertz</b> One billion Hertz (where one Hertz is the measurement of frequency equal to one cycle of electromagnetic radiation per second).
<b>GSM</b>	<b>global system for mobile communications</b> The widely used European digital cellular network standard.
<b>HDTV</b>	<b>high definition television</b> A digital television broadcasting system with higher resolution than traditional television systems.
<b>HF</b>	<b>high frequency</b> Radiofrequency spectrum in the 3–30 MHz frequency range.
<b>IAP</b>	<b>Internet Assistance Program</b>
<b>ICT</b>	<b>Information and Communication Technology</b>
<b>INHOPE</b>	<b>International Association of Internet Hotlines</b> Deals with complaints about illegal internet content, mainly child pornography.
<b>INMS</b>	<b>Industry Number Management Services Ltd</b> Company established by carriers and carriage service providers to manage and allocate portable freephone and local-rate numbers from a pool, under delegation from the ACMA.
<b>interception</b>	The interception of telecommunications services for the purpose of law enforcement and national security.
<b>IP</b>	<b>internet protocol</b> The key member of the suite of internet protocols at the logical layer, specifying packet addressing and routing of data through the internet.
<b>IPND</b>	<b>Integrated Public Number Database</b> Database of information about customers of telecommunications services in Australia, arranged by number, for all carriers and carriage service providers.
<b>IPTV</b>	<b>internet protocol television</b> Television system whereby digital content is delivered via a network infrastructure, often in conjunction with video-on-demand and other non-television services such as VoIP and other internet services.
<b>ISP</b>	<b>internet service provider</b> Service provider offering internet access.
<b>ITU</b>	<b>International Telecommunication Union</b> United Nations agency that coordinates international telecommunications matters.
<b>ITU-R</b>	<b>ITU—Radiocommunication Sector</b> ITU body dealing with international radiocommunications matters.
<b>kbit/s</b>	<b>kilobits per second</b> Data communication rate of one thousand bits per second.
<b>kHz</b>	<b>kilohertz</b> One thousand Hertz (see also <b>GHz</b> ).
<b>LAP</b>	<b>licence area plan</b> A legislative instrument setting out the licence area and the technical specifications for existing and proposed services.
<b>LEAC</b>	<b>Law Enforcement Advisory Committee</b> Committee that advises on communications law enforcement matters. LEAC was replaced by CSER in 2008–09.
<b>LIPD</b>	<b>Low Interference Potential Devices</b>

<b>low-impact facilities</b>	Communications facilities that are considered to have a low impact on their environment. They include underground cabling, small radiocommunications antennas and dishes, in-building subscriber connections and public payphones. The Telecommunications Act provides carriers with immunity from state and territory planning laws for the installation of 'low-impact' facilities.
<b>LPON</b>	<b>low power open narrowcasting</b> Radiocommunications class licence type authorising radio services operating at very low power outputs in the frequency range 87.5–88.0 MHz.
<b>MHz</b>	<b>Megahertz</b> One million Hertz (see also <b>GHz</b> ).
<b>the minister</b>	<b>Minister for Broadband, Communications and the Digital Economy</b> Minister responsible for the ACMA and its governing legislation.
<b>MMS</b>	<b>multimedia messaging service</b> Mobile telecommunications data transmission service for sending messages with a combination of text, sound, image and video to MMS-capable handsets.
<b>MNP</b>	<b>mobile number portability</b> Portability for mobile phone numbers. See <b>number portability</b> .
<b>NAC</b>	<b>Numbering Advisory Committee</b> Committee established to advise on numbering matters.
<b>narrowband</b>	A class of telecommunications services such as dial-up internet access that offer data rates of 64 kbit/s or lower.
<b>NATA</b>	<b>National Association of Testing Authorities</b> Australia's national laboratory accreditation authority that recognises and promotes facilities competent in specific types of testing, measurement, inspection and calibration.
<b>NGN</b>	<b>next generation network</b> General term for developments in network architecture using various access and core technologies covering wired, wireless and mobile communications. A primary characteristic is the decoupling of services and networks, allowing these to be offered separately and to evolve independently.
<b>NRF</b>	<b>Network Reliability Framework</b> Requirement on Telstra from January 2003 to provide regular reports to the ACMA on the reliability of its fixed-line services, and to remediate the network in areas with particularly poor performance.
<b>NRS</b>	<b>National Relay Service</b> Translation service between voice and non-voice telephone users providing access to the standard telephone service for people with communication impairment. Relays voice, modem or telephone typewriter communications.
<b>number portability</b>	Arrangements allowing customers to transfer from one telecommunications service provider to another without changing their number.
<b>payphone</b>	Public telephone where calls may be paid for with coins, phone cards, credit cards or reverse charge facilities.
<b>portability</b>	See <b>number portability</b> .
<b>pre-selection</b>	Offers customers choice and supports competition by enabling competing operators to use the networks of other carriers to access their customers.
<b>priority assistance</b>	Service for people with a diagnosed life-threatening medical condition entitling them to faster connection and fault repair of their fixed-line telephone service.
<b>RCC</b>	<b>Radiocommunications Consultative Committee</b> Formed to facilitate consultation between the ACMA and industry on major domestic and international radiocommunications issues.
<b>RCMG</b>	<b>Register of Controlled Media Groups</b> Lists the media groups in each licence area, the media operations that form part of a group and the controllers of those operations.
<b>SBS</b>	<b>Special Broadcasting Service</b> Free-to-air national radio and television broadcasting service providing multilingual and multicultural programs that inform, educate and entertain all Australians and, in doing so, reflect Australia's multicultural society. The SBS Online service also provides additional multilingual content through the internet.
<b>SDTV</b>	<b>Standard definition television</b>
<b>SID</b>	<b>Spam Intelligence Database</b> Designed and built in-house, SID is the ACMA's high-performance spam analysis system, capable of processing hundreds of thousands of spam email messages per day. SID analyses all components of an email and stores the data in such a way that it can be easily searched, categorised and linked to data from other emails with similar characteristics.

<b>SMP</b>	<b>standard marketing plan</b> Approved plan by the universal service provider of how it will meet the USO.
<b>SMS</b>	<b>short message service</b> Mobile telecommunications data transmission service that allows users to send short text messages to each other using the mobile handset keypad.
<b>spam</b>	Unsolicited commercial electronic messages sent to email, mobile phone and instant messaging accounts.
<b>smartnumbers®</b>	Specified freephone (1800) or local-rate (13 or 1300) numbers allocated by auction that are considered desirable because they can be translated to a phoneword or have a memorable pattern.
<b>Subscription television</b>	Service providing access, for a fee, to television channels transmitted using cable, satellite or terrestrial microwave.
<b>TAG</b>	<b>Technical Advisory Group</b> Provides policy advice and recommendations to the ACMA about strategic directions in the technical regulation of communications in Australia.
<b>TCBL</b>	<b>temporary community broadcasting licence</b>
<b>three-way control</b>	An unacceptable three-way control situation exists in relation to the licence area of a commercial radio broadcasting licence (the first radio licence area) if a person is in a position to exercise control of a commercial television broadcasting licence, where more than 50 per cent of the licence area population of the first radio licence area is attributable to the licence area of the commercial television broadcasting licence; and a commercial radio broadcasting licence, where the licence area of the commercial radio broadcasting licence is, or is the same as, the first radio licence area; and a newspaper that is associated with the first radio licence area.
<b>TIO</b>	<b>Telecommunications Industry Ombudsman</b> Industry-funded independent dispute resolution service for consumers who are unable to resolve individual complaints with their carriers and carriage service providers.
<b>trigger event</b>	A trigger event relates to commercial regional radio licences and includes a transfer of a licence; or formation of a new registrable media group which includes a regional commercial radio broadcasting licence; or change of controller of a registrable media group which includes a regional commercial radio broadcasting licence.
<b>TS</b>	<b>technical standard</b> Standard for communications customer equipment or networks.
<b>TSAG</b>	<b>Telecommunications Standardization Advisory Group</b>
<b>TTY</b>	<b>teletypewriter</b> Telephone typewriter where the caller types the communication after the call is connected, enabling people with a communication impairment to use the standard telephone service.
<b>TWG</b>	<b>Technical Working Group</b>
<b>UHF</b>	<b>ultra high frequency</b> Part of the radiofrequency spectrum between 300 and 3,000 MHz.
<b>USO</b>	<b>universal service obligation</b> Obligation under the <i>Telecommunications Act 1997</i> to ensure that standard telephone, payphone and prescribed carriage services are reasonably accessible to all people in Australia on an equitable basis, wherever they reside or carry on business.
<b>VHF</b>	<b>very high frequency</b> Portion of the radiofrequency spectrum between 30 and 300 MHz.
<b>VoIP</b>	<b>voice over internet protocol</b> A protocol for transmitting voice over packet-switched data networks. Also called IP telephony.
<b>WAS</b>	<b>Wireless access services</b> The wireless connection of business and households to the internet and the phone system.
<b>WiMAX</b>	<b>Worldwide Interoperability for Microwave Access</b> Industry group organised to advance the IEEE 802.16 standards for broadband wireless access networks for multimedia applications with a wireless connection.
<b>WRC</b>	<b>World Radiocommunication Conference</b> ITU conference held every three or four years to review and amend international radio regulations.

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